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THE ECCLESIASTICAL REVIEW

TENTH SERIES.—VOL. VIII.—(XCVII).—SEPTEMBER, 1937.—NO. 3.

THE CONSTITUTION AND THE CHURCH.

17 September, 1787-1937.

THIS IS A YEAR of signal importance to the Catholics of the United States. From early June to September a series of anniversaries are commemorating events of special moment to the student of constitutional history throughout the world. One date, however, will recommend itself to the consideration of Catholic citizens—17 September—the date of the signing of the Constitution of the United States. Although the Constitution did not go into effect until the people of the states approved it on 21 June, 1788, when nine states made themselves part of the Union, nevertheless, 17 September, 1787, should be remembered above all other dates, for on this day American Liberty was born.

For four months the convention over which George Washington presided had wrestled with problems that at times seemed insuperable even to wise men. Between the small states and the large ones there were mutual discord and distrust; there were differences of wealth, of population, of size, of commercial advantages; there were jealousies and fears, and a thousand petty annoyances which almost drove to desperation those who visioned a beacon light of liberty in a troubled world. The larger states recognized the advantage of union, but insisted that their superior strength as states should be acknowledged; the smaller states feared disunion no less than the larger ones, but they were more fearful of joining a union in which their rights might be trampled down by their stronger brethren. The compromise offered solved the problem and the Constitution

became an accomplished fact. This compromise was the proposal made by the delegates of Connecticut, that in the Senate of the United States all states should be equal. As long as this Government endures the states will stand equal in the Senate; without this equality there will no longer be the United States. The framers of the Constitution regarded this compromise as the keystone of the Union; indeed, it is the only provision in the Constitution which cannot be amended without the consent of *all* the states. Once it was written into the Constitution the way was paved for ratification of the document, but only after it had been signed on that eventful day, the seventeenth day of September, one hundred and fifty years ago.

It is not any single part of the Constitution, however, which is here recommended for consideration in this anniversary year, but the Constitution as a whole, especially in its relation to the Catholic citizens of America, or rather to the American Catholic Church. In other words, what has it done for the American Catholic; and secondly what should be the relationship between the Constitution and the Church at the present time?

First of all, the American Catholic should realize that next to the Holy Scriptures the Constitution is the most perfect expression of the longings for liberty and justice inherent in the human soul. To those who object that it does not invoke the name of God, reply can be made that it does more than rely on God's strength. It breathes the ardent desire to pattern the American nation in accordance with God's Holy Will. It has made possible the growth in this country of a Church unequalled in size and influence perhaps anywhere else in the world. One hundred and forty years ago a mere handful of Catholics — twenty-five thousand — were scattered along the Atlantic seaboard, in Florida, Louisiana, and throughout the Southwest; less than one hundred priests ministered within the present limits of the United States. To-day that number has grown to twenty million laity and thirty-five thousand priests. If the number is not larger, it is not due to any restrictions placed upon the growth of Catholicity, by the Constitution of the United States. Indeed, the Constitution has made possible, more than Catholics realize, perhaps, the development of American Catholicity and its present position in national and cultural life.

To appreciate fully this development and this position, Catholics especially should be familiar with the history of the American Church. If the religious history of this country were better known it would be more generally realized that Catholicity has taken a vital part in national progress and life. This is something which has been passed over in our histories and in our text-books. Where will one find it mentioned, for instance, that from the very first days of discovery, when the Church gave to the New World the culture of the Old, when the dominant spirit of the Middle Ages—the conversion of souls—left its impress on these shores, if only in names which make our maps litanies to the children of the Faith, all through the colonial period until the Constitution was drawn up, the Church contributed her share to the growth of the nation of which it was a part.

It is true that in colonial days persecution was the chief glory of the Church. Since no people, however, can be physically present in any place for any length of time without sooner or later influencing the spiritual and intellectual development of their fellowmen, the mere presence of the Church in colonial America is a fact that cannot be lightly dismissed. Living lives of spiritual sacrifice astounding to us of the present generation, without altar or sacrifice in many instances, and suffering untold hardships and humiliations from a people alien in religious views, they kept the Faith alive, even to the wonderment of those who would have beaten them to the ground. These bitter things are recalled without rancor or hate, but as an indispensable background to the history of post-colonial Catholicism and for a better appreciation of what the framing of the Constitution meant for American Catholicism as a whole.

It would be wrong to believe, however, that with the adoption of the Constitution animosity to the Church died down. A period of respite from persecution did follow the Revolutionary period and lasted, one might say, until 1829. The opposition to the Church flared up anew, and this because of two factors: the emancipation from religious disabilities which England had given to her Catholic subjects resulted in a fear on the part of American Protestants that the new life which was given to the English Church would be transmitted by immigration across the seas; and secondly, the growing influence of American Catholics in national and state affairs.

Throughout the Ohio Valley the cry was heard that since the seaboard had gone over to "popery", chiefly because of the immigration of Irish Catholics who settled in Boston, New York, Philadelphia, and the smaller cities between, the valley must be saved for those of the "pure faith". Protestant colleges rose like magic in Ohio, Indiana, Illinois, Missouri, and Iowa, wherein was taught the same hatred of Catholicity as that which characterized in the East such representative institutions as Harvard and Yale. This intellectual support was supplemented by the encouragement afforded the movement by the ministry of certain Protestant sects; no commencement or Sunday service was complete without an attack on the Church. Then came that mob violence which threatened Catholic property and life: the burning of churches and convents, such as in Philadelphia and Charlestown, and of personal insults, such as in Cincinnati, where a mob would have attacked Archbishop Bedini, the first representative of the Pope to come directly from the Holy See to the United States. Add to this the picture of locked and barricaded buildings, of guarded churches, of lost positions, of vile calumnies, of daily insults, and one gets a faint idea of the forty years of unrest and intolerance which followed 1829.

That the Church lived and even thrived during those hard, uncertain years was due in no small measure to the protection and liberty given it by the Constitution itself. *American Protestantism failed to destroy the Church because it could get no support from the State.* Had it been otherwise, we would have had a state church and the Constitution on this point at least would have had to be changed. But when the heat of opposition cooled and the smoke of battle cleared away, it was then seen that all of this had been an un-American thing. Thinking men began to realize that American Protestantism had made an attempt upon the Constitution itself. This is a highly important phase of American political history which is not even mentioned in our schools or in the account of national life.

The Constitution was not mutilated, however, and the opposition lost much of its strength. This latter fact was the result of various causes:

1. A disintegrating Protestantism;
2. The first fruits of the Catholic parish schools;
3. The assimilation of the Catholic immigrant to the idealism of the new lands;
4. The broader vision which wider foreign relations brought to the country at large;
5. The devoted and intelligent service rendered the country both by clergy and people alike.

All this resulted in a calmer attitude on the part of non-Catholic America toward the Faith.

Not that bigotry has disappeared since 1876. So long as Protestantism retains its anti-papal character, there will remain the imputation that Catholicism is something alien to the land. American Protestantism seems quite incapable of grasping the fact that Catholicism has thrived in the United States just because it is not an alien thing; quite incapable of realizing that the Church and the Constitution are one in their aspirations for the development of man.

Ordinarily Catholics know what the aspirations of the Church are for the development of man. But do they know what the aspirations of the Constitution are for the development of man?

In a general way the Constitution fulfills the people's will by uniting the States. More particularly it serves to safeguard their liberty, their happiness, and their life. In these times of trouble, violence, suspicion, and distress, when political and religious liberties are being assailed on all sides, American Catholics should know the mighty fortress against which neither president or congress, nor armies, nor mobs can enter and destroy the treasures that are enshrined therein. Treasures they are indeed—this liberty for which the heart of man so earnestly craves; this justice for which the heart of man so longingly desires; this domestic tranquillity which permits man to seek and enjoy the higher things of life; this common defence which, with vigilance, sweet liberty is bought.

The framers of the Constitution were human, it is true, and the Constitution is imperfect because it is not the handiwork of the Divine. But under the trial of a century and a half, marked by wars, pestilences, panics, and national disasters of all sorts, it still functions. This should be kept in mind when-

ever it is proposed that the Constitution be changed. Insofar as Catholics are concerned, there should be a determined effort to oppose every measure that would modify this precious document upon which his liberties rest. Attack the Constitution and you attack the Catholic Church. Contemporary events are sufficient evidence of what happens to the Church in countries where democracy is dead. Here in America the Church is and always has been the supporter and the ally of that system of government which came into being one hundred and fifty years ago. She is the enemy of every system which does not respect the rights of man. She is opposed to Communism and to Fascism as well—a fact that should be constantly stressed these days since attempts are being made to link the Church with a system as hateful as the one against which many Catholic voices are raised. The Church opposes serfdom in any guise. She appreciates too deeply the benefits of liberty which in this country came to her when the Constitution was framed.

The American Catholic has a two-fold duty calling for his attention these troubled days. First, he should know the story of the part the Church has played in contributing to national progress and life; secondly, he should become acquainted with the story of how the Church has been safeguarded in her work by the Constitution of the United States. Such a two-fold knowledge can bring about but one thing: the conviction that among the dynamic forces which have shaped our national progress and life the Constitution and the Church are one for the perpetuation of these ideals upon which the nation rests.

The splendid record of one hundred and fifty years of uninterrupted political life is paralleled only by the equally glorious record of American Catholicity for an even longer period of time. To have persisted in her determination to live, although unorganized and poor in pre-Revolutionary days; to have struggled against odds almost as hard in the years which followed peace; to have emerged from the Civil War with her organization intact and her people united before a common altar in one common faith; to have remained united in every other political, economic, social, moral, and industrial crisis throughout the last one hundred and fifty years—this has been American

Catholicity's unique contribution to the political history of the United States.

To continue this contribution is the duty and the problem of Catholics these days. The nation needs the Catholic philosophy of life. She needs faith in God, loyalty to principle, obedience to superiors, respect for authority, charity, justice, morality, holiness—those things which are in the Constitution, either expressed or implied.

We who have the heritage of sacrifice and heroism written in the annals of the nation by our pioneers of civilization and of the Faith, who came into this country and cleared lands and built homes; we who have the heritage of a Catholicity that reached beyond the Alleghenies, first into the valley of the Ohio, then across the Mississippi, and finally beyond the Rockies to the great Southwest and the sea; we who have the heritage of spiritual relationship with such saints and scholars as those who planted the Cross in the wildernesses and claimed this land for Almighty God; we who have the inspiration of other valiant figures—at once empire builders and confessors of the Faith—we can give to this country much of the fineness she so sorely needs. To do this, however, we must know the story of the Church. Linked with every chapter of its history is a courage and a heroism which should be infused into everyday American life. Caught by the spirit of conquest, our ancestors made sound the foundations of this commonwealth, all the while spinning with the gossamer threads of fancy what this nation would ultimately be. Yet their most ethereal creations did not attain to the majesty of what this country really grew to be.

It is for us to keep our country what she is, to keep her what it was the intention of her founders that she should be. This is a Christian nation, founded on Christian principles, and this it must remain if it is to endure. In these days of strife and bitterness, American Catholics must hold to the Constitution, if they are to remain masters in Israel and possessors of the Faith.

JOSEPH B. CODE.

The Catholic University of America.

THE SEMINARY AND SOCIAL STUDIES.

THE SEMINARY is the training school for future priests. The manner of that training depends upon the kind of work the priest is expected to do. The primary function of the priest is the spiritual and eternal welfare of souls. At many points, however, the care of souls presents intimate and vital contacts with existing social and economic conditions, and so it inevitably happens that the spiritual ministry of the priest broadens also into a social ministry.[1] The seminary therefore, must prepare the student for a social apostolate.

Those who have read the social encyclicals and documents know how earnest and constant has been the plea of the Popes during the past fifty years that the priest become a social crusader, and consequently how necessary it is that the seminary prepare prospective priests for this important phase of their future ministry.

After Pope Pius XI charted the course to be followed by priests in the reconstruction of the social order, he said: "No easy task is here imposed upon the clergy: wherefore all candidates for the sacred priesthood must be adequately prepared to meet it by intense study of social matters." (*Acri de re sociali studio rite parandi sunt quicumque in spem Ecclesiae adolescunt.*) [2] Commenting on this passage, Father Husslein writes: "There is no mistaking this solemn order here imposed as a sacred obligation upon the heads of our seminaries, responsible before God for the results that would ensue from its non-observance, particularly at this critical time. We are only too sadly aware of the consequences that have already followed in certain countries from lack of such preparation or social inspiration in the training schools of the clergy. . . . The Pope's words are wise words; they are earnest words; they are intensely and overwhelmingly important words. They constitute an imperative order that must be productive of untold blessings. They are, let me say it, the very basis of this whole social program." [3]

[1] Bruehl, Charles: "The Social Ministry of the Priest," *The Homiletic and Pastoral Review*, XXVIII (Oct. 1937), p. 1. Cfr. also O'Brien, John A.: "The Priest and Social Studies," THE ECCLESIASTICAL REVIEW, XCVII (Aug. and Sept. 1937). Plater, Charles: *The Priest and Social Action.* London, Longmans, 1914.

[2] *Quadragesimo Anno.* *AAS*, XXIII (1931), p. 226. N. C. W. C. edition, p. 46.

[3] Husslein, Joseph: *The Christian Social Manifesto.* Milwaukee, Bruce, 1931. p. 236.

How can the seminary fulfill this important obligation? If we consider the question from the aspect of the curriculum, the answer is:

1. By combining social studies with other courses already in the curriculum;
2. By giving special courses in social matters; e. g. sociology, economics, social work, etc.

In this issue we shall briefly consider the first method. The second method will be discussed in a later number of THE ECCLESIASTICAL REVIEW.

Practically all the subjects, not only in the high-school and college, but also in the seminary, contribute much to social consciousness.[4] The seminary curricular offerings that have particular social implications are history, Sacred Scripture, philosophy and moral theology. All recognized authorities include history under the heading of social studies.[5] History includes not only sacred and profane history, but also the historical portions of Sacred Scripture. The purpose of social studies is the " proper ordering of society in its various parts for the collective and individual well-being of its members." [6] They accomplish this end " through the development of an appreciation of the nature and laws of social life, a sense of responsibility of the individual as a member of social groups, and the intelligence and will to participate effectively in the promotion of social well-being." [7] It is clearly evident that philosophy and moral theology certainly contribute to the accomplishment of this aim.

1. HISTORY.

Before the candidate for the priesthood enters the major seminary, he has had extensive courses in ancient, medieval, modern, and American history. It is impossible to take such courses without obtaining a great store of information that " relates

[4] Cfr. Ogburn and Goldenweiser: *The Social Sciences and their Interrelation.* New York, Houghton Mifflin, 1927.

[5] Seligman, Edwin: " What are the Social Sciences?" *Encyclopedia of the Social Sciences.* New York, Macmillan, 1930. I, pp. 3-7.

[6] Parkinson, Henry: *A Primer of Social Science.* New York, Devin-Adair, 1913. p. 3.

[7] Dunn, Arthur: *The Social Studies in Secondary Education.* (Education bulletin No. 28) Washington, D. C., Government Printing Office, 1916, p. 9.

directly to the organization and development of human society, and to man as a member of social groups." Older text-books devoted more attention to the political and military development of human society, but the more recent ones put greater emphasis on the cultural, social and economic phases. "Modern history text-books offer a natural introduction to the social sciences. . . . This was not the case with the text-books which most of us studied twenty or twenty-five years ago. Our old history texts took comparatively little regard of the social and economic phases of national development and of the role these forces played in the history of peoples. . . . Modern texts rightly pay less attention to the strategic details of battles and the gruesome records of hatred and slaughter, and devote more space to the story of mankind's peace-time pursuits, the problems of economic and social welfare." [8]

With this valuable background, the seminarian of to-day enters upon his study of Church history, where much of what he learned previously is reviewed indirectly and seen in clearer perspective. Ordinarily at least twelve semester hours are devoted to Church history in the major seminary.[9] Many more semester hours were given to history in the preparatory seminary. In this important social study, the candidate receives adequate instruction. If he does not, the fault is not with the curriculum, but either with himself or the one who teaches the subject. It is not the seminary curriculum that is open to criticism.

2. Sacred Scripture.

"The Book of books for all times is the Sacred Scripture. In it we find not only spiritual guidance for the individual, but social light and inspiration as well, such as no other volume can afford." [10]

The Old Testament unfolds a thrilling picture of social evolution; it shows the various steps of human culture; it describes in vivid terms nomadic, pastoral and agricultural life; it gives the history of the family. "The Mosaic legislation

[8] Green, Victor: "The Social and Economic Sciences in our Curriculum," *The Franciscan Educational Conference.* XVI (1934), p. 142.

[9] Heck, Theodore: *The Curriculum of the Major Seminary in relation to Contemporary Conditions.* Washington, D. C., The Catholic University. 1935. P. 55.

[10] Husslein, Joseph: *The Bible and Labor.* New York, Macmillan, 1924. P. vii.

contains the most remarkable and instructive property regulations in the history of mankind." Socialist writers assign to Moses "a place amongst the world's foremost revolutionary leaders who are pictured as bravely fighting for the liberation of the proletariat." [11]

The watchword of the Catholic social movement is "to restore all things to Christ." In the New Testament, our Lord gave the world a comprehensive program both for individual and social guidance.[12] The student can do nothing better than to go back to Christ and search the Scriptures. There he will find not only direction but the loftiest motivation for Catholic social action.

The Bible is above all a spiritual book. It would be wrong to consider it merely or chiefly a social program. Nevertheless, the social aspects of Sacred Scripture, while not to be overemphasized, need not be minimized or neglected entirely.

In the study of Sacred Scripture, the student unknowingly absorbs much information that will help him to obtain a proper grasp and evaluation of the facts, motives, and principles which constitute and control the activities of mankind, for human nature is basically not much different in the twentieth century than it was in the first or in the thousands of years before Christ. The more he understands the Scripture, the more he will know about social relations.

3. Philosophy.

In a conference held in May of this year, Everett D. Martan, President of the American Association for Adult Education, said: "Philosophy is disturbing the world now, not economics."[13] At almost every convention or conference of sociologists or economists, the necessity of a true social philosophy is evident. In spite of the fact that many modern sociologists and economists claim that their sciences have no relation to philosophy and to ethics, it is practically impossible to attend any of their deliberations or to read any of their books without meeting

[11] *Ibidem*, p. 33.

[12] Cfr. Lugan, Alphonse: *Social Principles of the Gospel.* Translated by T. L. Riggs. New York, Macmillan, 1928. Carriguet, Leon: *The Gospel and our Social Problems.* New York, Wagner, 1925. Schumacher, H.: *The Social Message of the New Testament.* Milwaukee, Bruce, 1937.

[13] *New York Times.* May 19, 1937, p. 25.

references to philosophy and to ethics. The greatest academic battles are being fought precisely in this field of relationship; but it is not merely an academic battle, it is having profound influence on practical conduct. Philosophy is the disturbing element in the world to-day. The candidate for the priesthood must be adequately prepared to meet this crisis by an intense study of philosophy. At a conference attended by the writer, an instructor in social science at one of our great secular universities made this statement: "All this talk about the natural law is 'unmitigated bunk'". Not all teachers of social studies are as honest as he was in telling the world the kind of philosophy they hold.

The mere mentioning of philosophy in connexion with social science at once arouses the social scientist to suspect an unsympathetic attitude toward him and his science. His fears are not altogether without justification. After subjecting to careful study the whole system of sociology as built up by most of the non-Catholic sociologists, Father Hemelt (who conducted this study under the scholarly Monsignor Kerby) concludes: "The system turns out to be a comprehensive philosophy of life, cast in novel categories, expressed in new terminology, but based on evolutionary and materialistic assumptions and plainly subversive of everything that the average Christian considers vital to morality both in theory and in practice. In this system there is no human freedom, no right or wrong, no responsibility to conscience, fellow-man, or God, no positive sanction for conduct." [14]

When the word philosophy is used it is not always identical in meaning with philosophy as taught in our seminaries and colleges. Nevertheless philosophy in the strict sense has an essential bearing on philosophy used in a wider sense.

In the Apostolic Constitution of Pope Pius XI, *Deus scientiarum Dominus* of May 24, 1931, we find under the heading *Facultas philosophica* a section entitled *Moralis socialis et sociologia.*[15] In this treatise, the professor must consider socialism, the rights of private property, labor unions, the responsibilities of the State, civic duties, etc. An expansion of the

[14] Hemelt, Theodore: *Final Moral Values in Sociology.* Washington, D. C., The Catholic University of America, 1929, p. ix.

[15] *AAS*, XXIII (1931), p. 282.

course in *Ethica specialis: individualis et socialis* deals with the major portions of what is sometimes called applied sociology. It also encroaches upon the domain of economics.

4. Moral Theology.

Moral theology is the science of human conduct as directed by Faith as well as by reason. The purpose of social studies is " the proper ordering of society in its various parts for the collective and individual well-being of its members." Since human action in the concrete ignores the artificial barriers which the various departments of learning have erected, the different sciences of human conduct can and do work harmoniously for the same end, " for the re-establishment of social justice."

" Though economic science and moral discipline are guided each by its own principles in its own sphere, it is false that the two orders are so distinct and alien that the former in no way depends on the latter." [16] Monsignor John A. Ryan is considered one of the foremost Catholic economists in the country, yet his specialty is not economics but moral theology. He himself says that his interest in economics and industrial relations is due to their intimate connexion with morality. His books on the *Living Wage* and *Distributive Justice* show how ethics and economics are intertwined in the tight web of human life. The sciences may unravel human strands, but in the texture of actual life these different fibers are closely and inseparably interwoven.

When moral theology considers human conduct, it must consider every aspect that makes conduct human; no phase can be omitted. In the treatise on human acts, for instance, some phases of experimental psychology are considered. Experimental psychology is one of the fields upon which social science touches. It was also treated in rational psychology during the course in philosophy. Its repetition here gives the student a better knowledge of human conduct.

The treatise on justice, "admittedly the most difficult in moral theology," [17] plunges the student into the problems of ownership, contracts, rent, interest, profits, wages, monopolies, etc. How can this part be handled without giving the candidate

[16] *Quadragesimo Anno. AAS*, XXIII (1931), p. 190. N. C. W. C. edition, p. 14.
[17] Ecclesiastical Review, XXXVII (Nov. 1907), p. 529.

for the priesthood an insight into economic principles, problems and policies?

The divorce of morality from economics, which our Holy Father deplores, may in some measure be the fault of the moralist. In an article on "Moral theology at the end of the nineteenth century," Dr. Bouquillon complained that "the science has failed to put itself in touch with new currents of thought, failed to anticipate problems of life and to win consideration for the solution it offers."[18] "Real progress has been made since then," comments Monsignor Kerby. This criticism "would hardly be justified to-day, although much remains still to be done to make the priesthood in general equal to its opportunities in bringing principles of Christian living to bear upon industrial life."[19]

Moral theology also studies the family, divorce, education, the influence of heredity and environment, and a host of other social conditions and problems. Although it considers these in their moral aspect, the sociological viewpoint is not altogether foreign. Here, again, the two viewpoints can coöperate for mutual benefit.

The application of moral principles to contemporary conditions and to present-day human conduct can hardly be made without touching upon almost everything sound and unsound in modern social and economic theory and practice. No one realizes this more than the professor of moral theology himself. A thorough mastery of moral science requires thorough acquaintance with the other social sciences, at least in their fundamental elements. The good moralist must be somewhat of a psychologist, a sociologist and an economist—all in one. Even if he has not studied these three sciences in their own spheres, the study of moral theology gives him great familiarity with them and this is imparted to the student. Here again, if the student does not receive adequate training, it is not the the fault of the curriculum but defect in the teacher.

5. Other Studies.

The renewed emphasis given to the doctrine of the Mystical Body of Christ affords magnificent opportunity to the professor

[18] *Catholic University Bulletin.* Washington, D. C., April, 1899, p. 244.

[19] "Criticism of the Clergy," Ecclesiastical Review, XCI (Dec., 1934), p. 607.

of dogmatic theology to explain the social implications of this dynamic force. How is it that it is only within recent years that this doctrine has been given the attention it deserves? Is it now being brought to the attention of the world through the efforts of our dogmaticians or through the zeal of those who are interested in the Catholic social movement? Whatever the answer, the professor of dogma has the privilege (and the duty) to give the future priest one of the strongest incentives for an effective social apostolate.

Sometimes one hears seminarians use the expression: "It is as dry as dogma." That surely is a severe indictment of the professor. Perhaps he never heard about what is going on in Columbus Circle and in hundreds of discussions clubs, public and private, Catholic, non-Catholic and anti-Catholic. If he did, he would know that every treatise in dogmatic theology is interesting and exciting and it should be made such for the theological student. There is fire in almost every dogmatic thesis, but it has not always been enkindled. One of the most active leaders in the American Catholic social movement said, not very long ago: "I wish some of our dogmaticians would give us something about the theology of sociology."

Pastoral theology offers another opportunity for social instruction. In the Apostolic Letter of Pope Pius XI to Cardinal Bisletti, Prefect of the Congregation of Seminaries, insistence is made on the taking account of changed modern conditions in the teaching of pastoral theology.[20] New lights on pastoral theology help to illuminate the difficult path of the parish priest. In his pastoral ministry he is confronted with the social problems of childhood,[21] that may not have been treated in any other course in the seminary. In pastoral theology the shepherd of the soul should learn how to care for the wandering and maimed sheep, the delinquent and the defective. This subject links naturally with social work and Catholic charities. However, most seminaries do not have sufficient time to devote to pastoral theology, whose object is "to teach those practical rules which the priest ought to observe in the faithful discharge

[20] *AAS*, XIV (1922), p. 456.

[21] Cfr. Furfey, Paul Hanly: *New Lights on Pastoral Problems*. Milwaukee, Bruce, 1931. *The Parish and Play*. Philadelphia, Dolphin Press, 1928. *Social Problems of Childhood*. New York, Macmillan, 1929.

of the sacred ministry." [22] Nevertheless, some reference can be made even in a limited course to the practical aspects of social work in its relation to the parochial ministry.

* * *

This method of combining social studies with existing courses clothes "with the interests of everyday life, points of philosophy and theology which may otherwise appear lifeless and academic. It brings home to the seminarian emphatically that the knowledge of philosophy, Sacred Scripture, moral and dogma is not for himself alone, is not merely for the development of his own mind, but also for the spiritual and material well-being of those who will later be committed to his charge or will come within the sphere of his influence. It tends to bring about that living conviction of the intrinsic relationship between the principles of philosophy and human welfare so essential to the Catholic sociologist and economist." [23]

[22] Schulze, Frederick: *A Manual of Pastoral Theology.* St. Louis, Herder, 1929. p. ix.

[23] Emanuel, Cyprian: *The Franciscan Educational Conference.* XII (1932), p. 136.

[TO BE CONTINUED.]

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CONFESSION AND THE LAW.

II.*

ENGLISH JUDICIAL decisions continued to accumulate in a formidable barrier of legal precedent against the claims for protection of the seal in religious confession. Court denial of such claims became traditional and rarely was a dissent heard. Such an instance occurred, however, in 1853 when Baron Alderson protected a confession made to the prison chaplain by a woman accused of the murder of her infant child. During detention in the workhouse she had made damaging admissions concerning her connection with the alleged crime. The judge sustained the objection of her counsel and excluded the confession, saying, " I think that these conversations ought not to be given in evidence ".[1] Baron Alderson's ruling and opinion were repeated many times in arguments by counsel pleading for protection for the seal of confession. And counsel often relied also upon the statement of a justice in an earlier case [2] which dealt with the extent of the attorney-client privilege, already well recognized in the English common law. The justice in the latter case had stated that such a privilege was " a great anomaly in the law " and pointed out that the privilege did not cover the clergyman-penitent relation. But the justice added, by way of dictum, " I for one will never compel a clergyman to disclose communications made to him by a prisoner, but if he chooses to disclose them, I shall receive them in evidence ". But such favorable rulings and expressions of opinion remained rare and isolated examples in a long line of unfavorable decisions and hostile judicial comment. In fact, the English courts often cited the denial of the privilege to the clergyman-penitent relation as a stock example to support the court's rulings in placing narrow limits upon other privileges which had been accorded legal recognition. One court, in pointing out that the privilege to the attorney-client relation did not rest simply upon the confidence reposed by the client in the attorney, supported its assertion by the statement " there is no such rule in other cases in which at least equal confidence is reposed, in the

* The first part of this study appeared in our August number.

[1] R. *v.* Griffin, 6 Cox Cr. 219 (1853).

[2] Broad *v.* Pitt, 3 C. & P. 518 (1828).

cases, for instance, of the medical adviser and the patient, and of the clergyman and the prisoner ".[3] Courts admitted the importance of secrecy in confession but denied that this essential necessity of secrecy entitled the communication to become privileged. As one court stated, " Communications made to a priest in the confessional on matters perhaps considered by the penitent to be more important even than his life or his fortune, are not protected ".[4] Thus the clergyman-penitent relation was relegated to worldly relationships in which " stewards, parents, medical attendants, clergymen, and persons in the most closely confidential relation are bound to disclose communications made to them ".[5]

When the precise question—the protection for confidential communication for a clergyman—again arose in an English court, the claim was vigorously denied by the court.[6] The question arose in a divorce case in which the petitioner had alleged as grounds for the divorce the adultery of his wife. As a result of certain influences in the locality, the accused wife had been sent to confer with her minister, the vicar of the village in which the married couple resided. In the divorce proceedings, the vicar when summoned and interrogated about the conversation with the wife regarding the charges, refused to answer on the ground that the conversaton had arisen in the pastor-parishioner relationship. The judge overruled the objection and ordered him to answer. The vicar renewed his objections to the court's order, stating that he had conferred with others and had been advised that he need not divulge such a private conversation made to him by a parishioner. But the court remained unmoved and ordered the vicar to divulge her damaging admissions. When announcing the decision, the court spoke of the vicar's conduct in conscientiously trying to shield the conduct of his parishioner. But it dismissed abruptly the validity of such a claim stating, " It was not to be supposed for a single moment that a clergyman had any right to withhold information from a court of law. It was a principle of our jurisprudence that justice should prevail and no unrecognized privilege could be allowed to stand in the way of it ".

[3] Russell *v.* Jackson, 9 Hare 387, 391 (1851).

[4] Wheeler *v.* Le Marchant, 17 Ch. D. 675, 681 (1881).

[5] Greenlaw *v.* King, 1 Beav. 137, 145 (1838).

[6] Normanshaw *v.* Normanshaw, 69 L. T. Rep. 468 (1893).

Such a decision provides persuasive evidence against a credulous belief that all judges will protect confidential or even confessional communications between clergymen and penitent and provides a powerful argument for the need of legislative protection for such communications. The testimony in this case was wrested from the vicar by the court's obvious threat of imprisonment for contempt if the vicar persisted in his refusal. And such a sentence may be inflicted by the court summarily without the usual constitutional protection to a defendant of right to jury trial. In many of the United States no such legislative protection exists. And it must be apparent that sacred communications of such vital importance cannot be left safely to the whim and caprice of individual judges, prosecutors, or lawyers in the hope that all men will pay deference to recognized principles of divine and natural law or even to the decencies and becoming courtesies of life.

Although aware of laws in some foreign countries which shielded the relationship of priest and penitent, and even admitting the similarity of the reasons underlying other recognized relationships in the English law, the English courts stubbornly maintained their position by uniform rejection of the claims of privilege for sacramental confession or confidential communications to clergymen.

In an interesting case in 1876, the court was asked to pass upon the scope and breadth of the attorney-client privilege in a case involving communications of an English bank from its agent in Oregon in reference to bank losses, and more particularly to reports of conferences with attorneys in the United States in reference to the legal possibilities of the situation.[7] The court ruled that the communications were privileged and referred to the clergyman-penitent relation in explaining the lawyer-client privilege. Sir M. R. Jessel said: " The object and the meaning of the rule is this: that as, by reason of the complexity and difficulty of our law, litigation can only be properly conducted by professional men, it is absolutely necessary that a man, in order to prosecute his rights or to defend himself from an improper claim should have recourse to the assistance of professional lawyers, and it being so absolutely necessary, it is equally necessary, to use a vulgar phrase, that he should be able to make

[7] Anderson *v.* Bank, L. R. 2 Ch. D. 644, 651 (1876).

a clean breast of it to the gentleman whom he consults. . . . Our law has not extended the privilege as some foreign laws have, to the medical profession, or to the sacerdotal profession. Again in foreign countries where the Roman Catholic faith prevails, it is considered that the same principles ought to be extended to the confessional, and that it is desirable that a man should not be hampered in going to confession by the thought that either he or his priest may be compelled to disclose in a Court of Justice the substance of what passed in such communication. This, again, whether it is rational or irrational, is not recognized by our law ".

The first recorded American case involving the question of the privilege of religious confidential communications occurred in the city of New York in 1813,[8] and attracted extraordinary interest. The defendant, one Phillips, together with his wife, had been indicted for receiving stolen goods from the actual thieves. The stolen property had been returned to the owner shortly after he had complained to the police. Upon being questioned by the police, the owner revealed that the property had been returned to him by Rev. Father Anthony Kohlman, the pastor of St. Peter's Catholic Church in New York. The facts of the case were strikingly familiar to the earlier English case of Regina *v.* Hay [9] in which the stolen property had also been returned by a priest who, upon his refusal to divulge the name of the person who had delivered the property to him, had been committed to jail for contempt. The proceedings took place in the Court of General Sessions of New York City before a jury and three judges, " The Honorable Piere C. Vanwyck who sat in the absence of the Mayor, then attending the duties of his office as Lieutenant Governor at Albany, together with Aldermen Morse and Vanderbilt." [10] When Father Kohlmann, summoned and sworn as a witness, was asked concerning the restitution of the goods, the report reads, " He, in a very becoming manner, entreated that he might be excused and offered his reasons to the court." [11] The question raised was so novel and was deemed of such importance that court adjourned to a later

[8] People *v.* Phillips, 1 West L. J. 109 (1820 Circa).

[9] Regina *v.* Hay, 2 F. & F. 4.

[10] See the Catholic Question (*supra*) p. 6.

[11] *Idem*, p. 6.

date " in order to hear deliberate argument " of counsel. Three months later the court again convened being composed of " the Honorable DeWitt Clinton, Mayor, the Honorable Josiah Hoffman, Recorder, who upon the importance of the case took his seat upon the bench, Isaac Douglass and Richard Cunningham, Esqrs., sitting Aldermen," [12] and a jury of twelve citizens. After the owner had testified that the goods had been returned to him by Father Kohlmann, the priest was called again to the witness stand and interrogated. He again protested as he had protested before the grand jury in the earlier proceeding.[13]

He relied upon two basic arguments to justify his refusal to divulge the identity of the persons. The first was the 38th article of the constitution of New York which provided for " the free exercise and enjoyment of religious profession and worship, without discrimination or preference . . . provided that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness or justify practices

[12] *Idem*, p. 8.

[13] *Idem*, see proceedings p. 8 ff.

He stated that he claimed to be excused from testifying on the following grounds:

1. Having acquired his knowledge in the administration of a sacrament of his church, he should, if he communicated the information so acquired, forever disgrace himself in the eye of the Catholic Church, and he hesitated not to say, in the eye of every man of sound principle; the world would justly esteem him as a base and unworthy wretch, guilty of the most heinous prevarication a priest can possibly perpetrate, in breaking the most sacred laws of his God, of nature, and of his church.

2. According to the canons of the Catholic Church, he should be divested of his sacerdotal character, replaced in the conditions of a layman, and forever disabled from exercising any of the ecclesiastical functions.

3. Conformably to the same canons, he should deserve to be lodged in close confinement, and shut up between four walls, to do penance during the remainder of his life.

4. Agreeably to the dictates of his conscience, he should render himself guilty, by such a disclosure, of everlasting punishment in the life to come.

The witness explained that, according to the faith of the Catholic church, Christ instituted seven sacraments, of which penance was one, and that confession was one of the components parts of the sacrament of penance; and that the same high authority that had instituted the right, imposed upon its minister the duty of eternal silence, without which the sacrament would have been inefficacious, as few would be willing to unfold the secrets of their heart to the minister of their God if they did not know that it was to remain a secret known only to their Maker and his priest. He also stated that it was his duty, rather to go to death than to reveal what had been confided to him under the sacramental seal. He quoted the decisions of councils, and the writings of the fathers of the church, to prove the truth of his position.

The unanimous opinion of the court was rendered by the Honorable Mayor Clinton to the effect that the priest was not to be compelled to answer.

inconsistent with the peace or safety of this state ".[14] Counsel for Father Kohlmann argued that this provision secured the right of religious confession as inviolable from judicial inquiry. For the denial of such legal protection would impede if not wholly deprive a Catholic of " the constitutional guarantee of the free exercise and enjoyment of religious profession and worship " in connection with a sacrament, an essential element of which is secrecy. The second proposition upon which Father Kohlmann relied was the basic principle of the Common Law which refused to compel any man to answer a question which subjected him to penalty or forfeiture, impaired his civil rights, or which " might degrade, disgrace, or disparage him ".[15] Counsel cited several legal situations in which the secret was protected legally to prove by analogy that the law should protect the priest-penitent communication. He supported with authorities his statement that the priest if he should divulge would forfeit his office, be subjected to the loss of clerical rights and suffer humiliation and disgrace in the eyes of all Catholics.[16] Counsel pointed to the then existing legal protection of sacramental confession in Russia, Spain, France, Portugal, Italy, Germany and most of the other European countries. The prosecuting attorney challenged the arguments and asserted the government's claim that the law had a plenary power to inquire into all evidence except when forbidden by a positive rule of law. He asserted, moreover, that the allowance of the claimed exemption would constitute a religious discrimination and preference both of which were forbidden by the state constitution of New York. In the light of the succeeding history of New York, it is interesting to read the argument of the District Attorney, particularly such inflammatory passages as: " Can it be supposed that the representatives of a protestant people intended to be so very tolerating, as to deny to Roman Catholic priests, even the right of saving the state? It would have been a suicidal act. Suppose a religious sect should sincerely believe it a duty to sacrifice the first born of every family belonging to that sect—would it be permitted? " The prosecutor denied that secrecy was of the essence in confession and asserted that

[14] Constitution of the state of New York, Article 38, vol. 1 Rev. Laws 16, 17.

[15] See Catholic Question in America, supra, p. 36.

[16] *Idem*, p. 39.

the duty to confess existed wholly apart from any considerations of legal immunity from inquiry.[17] The deep public interest in the case and the vital necessity of vindication of the secrecy of confession moved the Board of Trustees of the church to address a vigorous communication to the District Attorney and excited feelings were reflected in highly rhetorical arguments by all of the counsel. The judgment of the court supported unanimously the claims of Father Kohlmann against encroachment upon the confessional secrecy and the court said in the course of a notable opinion:

In order to criminate the defendants, the reverend Anthony Kohlmann . . . has been called upon as a witness, to declare what he knows on the subject of this prosecution. To this question he has declined answering, and has stated in the most respectful manner the reasons which govern his conduct. That all his knowledge respecting this investigation, is derived from his functions as a minister of the Roman Catholic church, in the administration of penance, one of their seven sacraments; and that he is bound by the canons of his church, and by the obligations of his clerical office, to the most inviolable secrecy—which he cannot infringe, without exposing himself to degradation from office—to the violation of his own conscience, and to the contempt of the Catholic world. . . . This is an important inquiry; it is important to all religious denominations, because it involves a principle which may in its practical operation affect them all; we have therefore devoted the few moments which we could spare, to an exposition of the reasons that have governed our unanimous opinion: But before we enter upon this investigation, we think it but an act of justice to all concerned in it, to state, that it has been managed with fairness, candour, and a liberal spirit . . . and it is equally due to the reverend Mr. Kohlmann to mention, that the articles stolen, were delivered by him to the police, for the benefit of the owners, in consequence of the efficacy of his admonitions to the offenders, when they would otherwise, in all probability, have been retained, and that his conduct has been marked by a laudable regard to the laws of the country, and the duties of his holy office. . . .

There can be no doubt but that the witness does consider, that his answering on this occasion, would be such a high handed offence against religion, that it would expose him to punishment in a future state—and it must be conceded by all, that it would subject him to privations and disgrace in this world. It is true, that he would not be obnoxious to criminal punishment, but the reason why he is excused

[17] *Idem*, p. 45.

where he would be liable to such punishment, applies with greater force to this case, where his sufferings would be aggravated by the compunctious visitings of a wounded conscience. . . . It cannot (therefore) for a moment be believed, that the mild and just principles of the common law would place the witness in such a dreadful predicament; in such a horrible dilemma, between perjury and false swearing: If he tells the truth he violates his ecclesiastical oath—If he prevaricates he violates his judicial oath—Whether he lies, or whether he testifies the truth he is wicked, and it is impossible for him to act without acting against the laws of rectitude and the light of conscience.

The only course is, for the court to declare that he shall not testify or act at all. . . .

The reporter of this case added an interesting note after the case as follows:

It will be observed that the doctrine is confined to Catholic priests, and this upon constitutional grounds. It is not, therefore, in conflict with a decision recently made in Boston, in which the late Dr. Channing, who claimed a similar exemption, was compelled to testify; because the reason for excusing a Catholic does not apply to Protestants. The argument for excusing a Catholic is this: Confession to the priest is a part of penance. Penance is one of the sacraments. Take away the seal of inviolable secrecy, and you destroy the efficiency of this sacrament. You thus assail a fundamental article of Catholic faith.

This distinction between the nature of sacramental confession in the Catholic church and confessions in other religious groups became the subject of an American court's comment in a celebrated murder trial in New York shortly after the Kohlmann proceedings. The defendant, Christian Smith, a resident of New York had been indicted for the murder of a neighbor in the fatal culmination of a long feud.[18] The defendant had enjoyed a far better reputation than the deceased and popular sentiment brought such a great number of friends and sympathizers to the trial that it became necessary to transfer the trial from the county court house to the village church. The high point of dramatic interest in the trial occurred when Rev. Mr. Van Pelt, a protestant minister, was called to the witness stand by the government and was questioned concerning an alleged confession of the murder made to him by the defendant.

[18] Christian Smith's Trial, N. Y., Amer. St. Tre. 779 (1817).

Attorneys for the defense objected strenuously against the admission of the evidence. They admitted that there existed neither English nor American precedents, outside the Kohlmann case for their position, but argued that it was " dangerous in the extreme to permit a witness in the relation of the one offered to divulge a communication which must undoubtedly have been made and ought to have been received in the strictest confidence ". Counsel pointed out that " although confessions made to a Roman Catholic priest were received in England and no privilege could be claimed by a priest of that order in the English courts, yet, in this country, we were at liberty to establish a different rule ", and that such exemptions from enquiry should not be restricted to any particular sect or denomination. They further attacked interrogation of the clergyman on the ground that the confession was not in the true sense voluntary because it was impelled by what the defendant believed a necessary step for his temporal or eternal safety. At this point the court interrupted arguments of the counsel and asked the minister whether he had any personal objection to repeating the conversation of the defendant with him. For some inexplicable reason the minister replied that he did not object and the court allowed the interrogation. However, the court stated that there is " a grave distinction between auricular confessions made to a priest in the court of the discipline according to the canons of the church and those made to a minister of the gospel in confidence, merely as a friend or adviser ". This difficulty of defining a line of clear demarcation between confidential communications which should be protected and those which should not, has not caused substantial difficulty either to courts or to legislatures. Twenty-three out of twenty-nine American states which protect such confidences by statute restrict the privilege to those given in compliance with a religious duty " *enjoined by the discipline of the church* ". The courts have not paid any serious attention to the claims of protection for confessions given in public religious meetings, and would undoubtedly abruptly reject any claims for such cults as Buchmanism. A few cases have arisen involving so-called " penitential confessions ". In an early Massachusetts case [19] the defendant was charged with lewdness and convicted upon

[19] Comm. *v.* Drake, 15 Mass. 161 (1818).

evidence, the most damaging feature of which was a " penitential confession " to witnesses as members of his church. The alleged error in the court's admission of such evidence became the basis of an appeal. But the Massachusetts Supreme court definitely rejected the claim that such confession was privileged though the prisoner deemed it a religious duty " incumbent upon church members to confess their faults to each other ". The defense attorneys had argued that " in a theological view, he is obliged in conscience to perform it. It is enjoined upon his ' *pro salute animi* ', and to require the disclosure would be in some shape an infringement of the rights of conscience . . ." But the court remained unmoved and denied the appeal.

New York enacted a statute soon after the so-called Kohlmann case which provided that " no minister of the gospel or priest of any denomination, shall be allowed to disclose any confession made to him in his professional character, in the course of the discipline enjoined by the rules or practice of such denomination ".[20] This statute undoubtedly influence the enactment of similar statutes in other states and the norm " *confessions enjoined by the discipline of the church* " became the generally accepted measure of exemption.[21]

Similiar legislation enacted by other states took a curious geographical path, for none of the New England states except Vermont followed the example of New York, nor did the eastern seaboard states, nor the southern states for the most part. The reason was undoubtedly the powerful influence of the traditional English common law which had become the basic law in these states admitting change only by statute or by judicial adaptation to the different conditions of colonial America. In contrast to this denial of the privilege, the states of the middle west (except Illinois) and the western states asserted their independence of the English common law and followed the example of New York in protecting the confessional secret. The tenacious influence of the hostile English precedents is apparent even to-day in many states, for example New Jersey, where the courts aggressively deny the claim of protection. In

[20] 2 R. S. 406 § 72.

[21] A New York court allowed interrogation of a minister into harmful admissions made to him by the defendant when in a preliminary examination the minister stated that he did not regard the statements made to him in his professional character as a clergyman. See People *v.* Gates, 13 Wend (N. Y.) 311 (1835).

a recent case,[22] the defendant charged with murder had conversed in jail with his spiritual adviser, a Salvation Army Major. Over the protest of defense counsel, the court allowed the prosecution to interrogate the defendant concerning those conversations. The appellate court upheld the ruling of the lower court and affirmed the conviction adding the unnecessary dictum, "Assuming that Major Niederbuehl was a priest or a clergyman . . . the defendant's statement to him was not privileged. No privilege of this nature existed at common law.[23] . . . There is no statute in New Jersey bestowing such a privilege . . ." [24]

In that large group of states, chiefly middle and western, which enacted statutes to protect confession from judicial inquiry, no clear-cut line of demarcation was drawn between communications closed and those open to judicial interrogation. The failure was not due to careless drafting of statutes so much as to the inevitable inadequacy of language in defining such a rule of law, and this has led to a number of supreme court cases which cover a surprising variety of interesting situations in almost every field of law. However, most of the legislation and courts have consistently checked attempts to enlarge the compass of the privilege under the typical statute beyond communications "*enjoined by the discipline of the church*". Such a fixed attitude has led one court to refuse protection to statements by a defendant to his minister in the presence of others where the defendant was charged with procuring a fraudulent transfer of shares of stock.[25] Another court has ruled correctly against granting protection to statements made in a conference leading up to a settlement of a personal injuries claim where the minister acted as German interpreter for the claimant.[26] Likewise, another court has denied the privilege to communications made to a deacon and elder interrogating a third person while investigating charges against a church member.[27]

[22] State *v.* Morehouse, 97 N. J. Law 285 (1922); 117 A. 296.

[23] Idem. p. 300.

[24] Bahrey *v.* Poniatishin, 112 A. 481; 95 N. J. Law 128 (1921), is an interesting case which allowed recovery of damages against a priest for slanderous conversations about the plaintiff with a third person in connection with confession.

[25] Milburn *v.* Haworth, 47 Colo. 593 (1910); 108 P. 155; 19 Ann. Cas. 643 and note.

[26] Biossi *v.* Chicago R. Co. 144 Iowa 697 (1909); 123 N. W. 360.

[27] Knight *v.* Lee, 80 Ind. 201 (1881).

Minnesota has been extremely liberal in both the wording of its statute and the judicial interpretion of it, but has refused to shield conversations between a witness, confined in a hospital, and her minister who visited her " prepared to give spiritual advice and comfort if the occasion required ".[28] The particular testimony was of vital importance. The plaintiff had sued witness's father for damages for the death of plaintiff's daughter resulting from injuries received while riding in defendant's automobile. Had the deceased girl seen the on-coming train and warned the defendant? The answer was crucial to the suit. The witness testified at the trial that the deceased had not seen the train. But earlier she had told her minister the contrary, stating that the deceased had exclaimed " the train " before the crash. The court allowed the testimony of the conversation with the minister because it was not " penitential or in confidence ". The case illustrates a situation which may happen often when clergymen are called to attend victims of accidents. Would the fact of the administration of a sacrament bring all the conversation within the privilege of secrecy? The precise question has not been answered. But it would seem that courts ruling on the typical statute might require the disclosure of all conversation apart from confession. An Iowa court did not hesitate to rule differently on separate parts of a single conversation, where the witness met a minister, whom he knew, on the platform of a railroad station and in the course of the conversation made several damaging and even criminal admissions. While the court protected the parts of the conversation in which the defendant " asked for advice on certain matters and requested spiritual assistance and comfort ", it did not hesitate to compel answers as to the remainder. The case is of further interest [29] because of the court's attention to the inquiry whether defendant was a " regular attendant " at the minister's church. If the status of a " regular attendant " should become a preliminary requisite for protection in such cases, one might reasonably doubt how many outside the Catholic Church could qualify. Certainly Christmas and Easter attendance could hardly qualify one as a " regular attendant ". One court has ruled that the typical statute does not protect statements to a

[28] Christenson *v.* Pestorius, 250 N. W. (Minn.) 363, (1933).

[29] State *v.* Brown, 95 Iowa 381; 64 N. W. 277 (1895).

clergyman where a preliminary examination revealed that the witness was not a member of any denomination.[30] Though the court claimed the support of such eminent authorities as Wigmore and Wharton for its ruling, it may be questioned whether such support is well-founded, and reasonable objections may be made against the decision as an unreasonably narrow interpretation of the statute. However, a similar ruling was made by another court where the validity of a will was attacked on the ground of undue influence by the chief beneficiary, who had been the testator's housekeeper.[31] The contestants offered evidence of conversations by the testator with a minister in which the deceased had spoken of the housekeeper's influence and admitted immoral relations. The deceased was not a member of the minister's congregation, nor a member of any church but " had spoken penitently of his conduct and a desire to join his church ". The supreme court upheld the lower court's ruling which denied statutory protection and stated: " If the communications are made to one who happens to be a clergyman but who does not sustain to the communicant that professional character or relation, then they are not privileged ". While this problem may arise frequently in situations involving non-Catholics, it would hardly arise in regard to Catholics because of the broad relationship of priest and faithful and clear-cut doctrine of canon law relating to the duties of priests to members of the Catholic Church.

But even admitting a broad relationship, courts have ruled soundly against protecting conversations of a parishioner with a priest leading the latter to attempt to draft a deed of property from the parishioner to another.[32] The clergyman's imprudent attempt led to a fatally erroneous description of the property which in turn led to litigation to unravel the mistaken conveyance after the death of the parishioner.

Nor can there be just criticism of those courts which have denied protection to situations in which clergyman did not " consider the communication made to him in his professional

[30] State *v.* Morgan, 196 Mo. 177; 95 S. W. 402; (1906) 7 Ann. Cas. 107, and note.

[31] Alford *v.* Johnson, 103 Ark. 236; 146 S. W. 516 (1912).

[32] Partridge *v.* Partridge, 220 Missouri 321, 119 S. W. 415, 132 Am. St. Rep. 584 (1909).

character or as a clergyman ",[33] or in which conversations with a priest were acknowledged by attorneys for the defendant and the court as outside the scope of the privilege.[34] Nor may protection be demanded for damaging admissions and confessions made by the defendant to public officials such as police officers because the defendant has requested a clergyman to arrange such conferences.[35] In a few cases, courts seemingly influenced by peculiarly aggravating circumstances, have ruled too narrowly as to the scope of the privilege. In a prosecution for rape of his daughter, the defendant's letter to his pastor indirectly admitting guilt was admitted in evidence though the statute excluded confessions " pursuant to a duty enjoined by the rules of practice " of that church, and the testimony indicated that it was the " duty of the pastor to pray for penitents and get the other saints to do so ".[36] Similarly, protection was denied to the contents of a letter which the defendant in a divorce case had given to a minister to deliver to the defendant's wife.[37] Though the liberal statute of Nebraska governed the case, the Supreme Court upheld the denial on the ground that the communication was not such " as to imply that it should forever remain a secret in the breast of the confidential adviser ". The decision may be criticized in view of the liberal wording of the statute: " No . . . minister . . . or priest . . . shall be allowed . . . to disclose any confidential communication entrusted to him in his professional capacity and necessary and proper to enable him to discharge the functions of his office according to the usual course of practice or discipline ". The court's assertion that there is " no distinction in principle " between a letter to a clergyman who would reveal the contents to the writer's wife and a letter requesting the clergyman to call a public meeting in the writer's interest is patently fallacious. In contrast to such restricted interpretations, an Iowa court has decided that the privilege included a confession of guilt to a " session " which consisted of the pastor and three elders of a Presbyterian church.[38]

[33] People *v.* Gates, 13 Wend. (N. Y.) 311, (1835).

[34] Gillooley *v.* State, 58 Ind. 182 (1877).

[35] Gankyo Mitsunaga *v.* People, 54 Colo. 102; 129 P. 241 (1913).

[36] Sherman *v.* State, 170 Ark. 148; 279 S. W. 353 (1926).

[37] Hills *v.* State, 61 Nebr. 589; 85 N. W. 836; 57 L. R. A. 155 (1901).

[38] Reutkemier *v.* Nolte, 179 Iowa 342; 161 N. W. 290; L. R. A. 1917 D 273 (1917).

The court found difficulty with the statutory expression " minister of the gospel ' and stated that " few English words have a more varied meaning ", but included the officers of the " session " within such term after examining the internal government of the church.

In cases involving Catholics, courts have not confined the privilege to sacramental confession. Though a lower court ruled that conversations to a priest by a young girl, who was complainant in a bastardy proceeding against a local character, were not privileged because they were not made in sacramental confession, the supreme court of Indiana reversed the ruling.[39] The decision was clearly justified, for the statute shielded " confessions and *other admissions* made to clergymen in the course of the discipline enjoined by their respective churches.[40] However, not all communications to priests fall within such statutory protections. A novel case occurred in Wisconsin where an elderly woman engaged in a millinery business was accused of arson in setting fire to her stock of goods in her residence, which she used both as a dwelling and as a place of business.[41] The alleged motive was the collection of fire insurance. The company had paid the loss and defendant had moved to another locality. Several months later, the Catholic pastor of the place received a purported confession signed by a man who stated that he was ill in a distant hospital. The letter stated further that his motive in setting the fire had been revenge because he had been rejected as a suitor by the milliner, and the motive of the writing was repentance. The correspondence requested the Catholic pastor to publish the letter " so that people would cease to misjudge others ". The pastor visited the woman and read the letter to her. She seemed embarrassed, but at his suggestion wrote a dictated declaration of innocence, and requested him to read the first letter to the congregation, which he did. The woman was later arrested, and at the trial the priest was summoned and produced both writings. Over objection by counsel for the defendant, he was interrogated and stated that he believed both handwritings were by the same person. The trial resulted in conviction. On appeal the supreme court sus-

[39] Dehler *v.* State, 22 Ind. App. 383; 53 N. E. 850 (1899).

[40] Italics ours.

[41] Colbert *v.* State, 125 Wis. 423; 104 N. W. 61 (1905).

tained the ruling of the lower court on the ground that the writings were not confessional. Such a ruling was justified. However, the court stated further that the priest was not acting in his professional character at the time. This further conclusion was not necessary to the decision, and seems incorrect, for aiding in clearing up such a situation, and removing unjust suspicion from a parishioner would seem to be within the scope of his duties as a cleric. Another interesting case involved the testimony of a priest in California where the cleric had been called to give Extreme Unction to the deceased testatrix of the will in question.[42] Obviously the counsel were forbidden to inquire concerning the matter of the confession, but adroitly asked the priest to " state the mental condition of the testatrix as she appeared to you during this visit." The lower court excluded the question on the ground that the priest was not qualified to judge as one " skilled " according to the statute. The supreme court reversed the ruling and held that the priest was qualified as " skilled " because of his seminary training and his experience in making a preliminary judgment as to the mental condition requisite in one seeking the sacraments particularly " invalids and dying persons ".

Of all recent American cases involving the question, the most dramatic is a Minnesota proceeding which resulted in the imprisonment of a Lutheran minister.[43] The minister when summoned in a divorce action refused to divulge conversations of the defendant relative to circumstances of defendant's alleged adultery. The court ruled adversely to the minister's claim of protection under the statute which contained the usual description of the scope of the privilege: " confession . . . *in the course of the discipline* enjoined by the rules or practice of the religious body . . ." [44] When the clergyman persisted in his refusal to divulge, the court committed him to jail for contempt of court. Rather than reveal what had been entrusted to him in sacred confidence, he suffered imprisonment pending the appeal to the supreme court of Minnesota. That court reversed the lower court's ruling, ordered the release of the clergyman, and delivered an opinion, notable not only as a just decision on the facts

[42] In re Toomes' Estate, 54 Cal. 509; 35 Am. Rep. 83 (1880).

[43] In re Swanson, 183 Minn. 602; 237 N. W. 589 (1931).

[44] Italics ours.

of the case, but praiseworthy as well, as a vigorous vindication of a liberal judicial construction of the wording and the resulting scope of the privilege.

While the present statutes of the twenty-nine states which protect confession and other confidential communications vary in some degree, they have some common characteristics, chief of which is the measure of exemption—"*enjoined by the discipline of the church*"—which occurs in twenty-four of the twenty-nine states.[45] No American statute is as broad as the Quebec statute which groups the priest with lawyers and government officials and protects him from inquiry where the communication has been revealed to him "confidentially in his professional character as religious . . ."[46] Under this provision the courts have denied not only inquiry into personal advice in the confessional,[47] but also, in another case, inquiry into the fact whether the priest refused to hear a confession,[48] and, in another, forbade questioning into extra-confessional communications to a priest.[49]

[45] Arizona, Arkansas, California, Colorado, Iowa, Idaho, Indiana, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, West Virginia, Wisconsin, Wyoming.

[46] Article 275, Code of Civil Procedure.

[47] Gill *v.* Bonchard, 5 Que. Q. B. 138 (1896).

[48] Ouelet *v.* Sicotte, 9 Que. Super. 463 (1880).

[49] Masse *v.* Robillard, 10 Rev. Leg. 527 (1896).

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THE CHURCH AND LABOR UNIONS.

The Struggle for Social Justice.

LABOR UNIONS have been established in the effort to enable the worker to negotiate with the employer on a basis of equal bargaining power. An agreement reflecting free mutual assent is more likely to be fair than one which results from the economic coercion of one of the contracting parties. A laborer alone does not possess the economic bargaining power of the industrial capitalist. Stanislaus Yankowski applying at the gates of a factory for a job has little or no power of securing what he believes is a fair living wage. But Stanislaus Yankowski banded together with every employee in a factory has vastly greater bargaining power and consequently a better chance of getting a fair wage.

Whatever increases in wages and improvements in the conditions of labor have been secured in the last fifty years in America have been traceable chiefly to the work of the labor unions. Their leaders have made mistakes now and then. The members have been guilty of occasional acts of violence and sabotage. But on the whole they have been the most powerful factor in lifting the industrial worker from the condition of economic serfdom to that of a free man. For there can be no real freedom, political or social, so long as an individual is an economic peon. The right, therefore, of the worker to form associations of his own choosing and the right to bargain collectively with his employer have become recognized as among the most important and fundamental of all his rights.

One of the first to formulate this right explicitly was Leo XIII in 1891. " We may lay it down as a general and perpetual law," wrote the Pontiff, " that workmen's associations should be so organized and governed as to furnish the best and most suitable means for attaining what is aimed at; that is to say, for helping each individual member to better his condition to the utmost in body, mind and property."

While the right of collective bargaining has come to be universally recognized, employers are still found who refuse to deal with spokesmen for the labor union who are not chosen from among their employees. This class of employers say they admit in principle the right of collective bargaining, but they deny

the right of their employees to secure as their representatives in a wage controversy, men who are not directly concerned, as employees, in the outcome. This in effect denies the right of laborers to secure the ablest brains available to represent them, while the employers entertain no scruple about obtaining the shrewdest corporation attorneys and the best legal talents that money can buy. The unfairness of such an attitude is obvious.

The "Company Union".

One of the purposes which employers have in mind in taking this stand is to restrain the employees from forming a union of their own choosing, and to impose upon them a "company union". This as a rule is an ineffective, hypocritical imitation of the real thing. The words of Leo XIII formulating the right of workers to form a union which will enable its members "to better their conditions to the utmost in body, mind and property," constitute an implicit condemnation of the futile, make-believe "company" union. For this latter is organized to protect the company's rather than the workers' interests. They lack independence and the officers are often under the direct dominance of the manager's office.

The Bishops who constitute the Administrative Committee of the National Catholic Welfare Conference recently restated the declarations of Leo XIII in a letter to Senator Walsh, with reference to the Wagner-Lewis Industrial Dispute Bill: "The worker's right to form labor unions and to bargain collectively is as much his right as his right to participate through delegated representatives in the making of laws which regulate his civic conduct. Both are inherent rights. The worker can exercise his God-given faculty of freedom and properly order his life in preparation for eternity only through a system which permits him freely to choose his representatives in industry. From a practical standpoint, the worker's free choice of representatives must be safeguarded in order to secure for him equality of contractual power in the wage contract. Undue interference with this choice is an unfair labor practice, unjust alike to the worker and to the general public."

How widespread is the practice of interfering with the workers' free choice of representatives and of nullifying their efforts to form a true union genuinely devoted to the advancement of

their own interests was made known by the findings of the U. S. Senate subcommittee under the chairmanship of Senator La Follette, as reported in February, 1937. This committee was investigating violations of civil liberties and labor rights. They found that large corporations employ spies to join labor unions, report their deliberations to the employers, and generally to frustrate the effectiveness of the union's efforts to better the conditions of their members. The methods of the spy system used against labor is unpleasantly suggestive of Russia's Ogpu and Germany's Gestapo—planting stool-pigeons and traitors in the bosom of unions to betray and wreck them.

The Spy System.

Thus when Chrysler draughtsmen organized a Society of Designing Engineers, Corporations Auxiliary Company—a nice-sounding name for a concern that furnishes spies and stool-pigeons to corporations—furnished a draughtsman-agent to join the union and report on its deliberations. Shortly afterward twenty members were discharged. The remaining members were so terrified that they stopped attending meetings and merely mailed in their dues. Vice-President Weckler of the Chrysler Corporation strenuously defended the use of spies.

" It has long been a common practice," said he. " We must do it to obtain the information we require in dealing with our employees."

" What,' asked Senator La Follette, " would be your judgment of a Chrysler executive who sat in at meetings and then revealed secrets to a competitor? "

" I think it would be terrible, reprehensible," cried Mr. Weckler, who curiously enough had no scruples about using such despicable tactics against his own workers.

Officials of the Pinkerton Detective Agency testified that employers had paid them $1,750,000 for labor spy and strike-breaking service since 1933. Their largest customer, General Motors, had paid them $419,850. Most of their services consisted of the usual routine of planting agents in the labor union to betray them. One of their jobs, however, was especially shocking and sinister. It was to shadow a Government mediator, to spy on him, eavesdrop in his private conferences and confidential conversation over the telephone. W. H. Martin, a

former Pinkerton operative, testified that he was sent to the Chevrolet strike in Toledo in 1935 to shadow " a man named McGrady, a Government mediator ".

" Do you mean the Assistant Secretary of Labor? " asked Chairman La Follette's colleague, Senator Thomas of Utah.

" That's the man," replied the ex-sleuth. He secured a room next to the Assistant Secretary's at the Secor Hotel and sat for hours with his ear glued to the wall. But, alas! Mr. McGrady spoke too low.

" I think it's a terrible thing," commented Mr. McGrady.

With a thorough knowledge of the workings of the " company union," Monsignor John A. Ryan rightly terms it " an abominable invention," designed not to advance the interests of the workers but to keep them in servile subjection to the employers.

Open or Closed Shop.

The objection is sometimes urged, however, that the union shop, or, as it is sometimes called, the " closed " shop, is un-American because it discriminates against a non-union worker. The shop that is in accord with American ideals of freedom and fair play to all, it is argued by Chambers of Commerce and Manufacturers' Association, is the " open " shop—open to any capable worker whether he be a unionist or not. The president of a certain chamber of commerce said to the writer recently: " The closed shop is un-American because it says to the owner, You can't employ this worker unless he has a membership ticket in this or that union. That is like saying, You can't employ this person unless he is a member of a certain church or a certain lodge or fraternal organization. That is discrimination of the rankest kind. Its un-American to the core."

It is to be admitted that membership in a union should be brought about by persuasion and education and not by pressure or force. But all too often the so-called " open " shop is open to all in name only. In reality it is open to non-union members and closed to unionists. It seeks to undermine the very purpose of the labor union to establish collective bargaining, by insisting on dealing with each worker individually. Cloaking its real aim behind high-sounding, patriotic language, it is more often than not a mere device for exploiting labor. Some years ago that playful but shrewd philosopher Mr. Dooley, made the following observations about it.

" What is all this talk that's in the paper about the open shop? " asked Mr. Hennessy.

" Why, don't you know? " said Mr. Dooley. " Really, I'm surprised at your ignorance, Hinnessy. What's th' open shop? Sure, 'tis a shop where they keep the door open t' accommodate th' constant stream of min comin' in t' take jobs cheaper thin th' min that has th' jobs. 'Tis like this, Hinnessy. Suppose one of these freeborn Amerycan citizens is wurkin' in an open shop for the princely wages of wan large iron dollar a day of tin hours. Along comes another freeborn son-of-a-gun, an' he sez to th' boss, ' I think I kin handle th' job for ninety cints.' ' Shure,' sez the boss, an' th' wan dollar man gits th' merry jinglin' can, an' goes out into the crool world t' exercise his inalienable rights as a freeborn Amerycan citizen t' scab on some other poor devil. An' so it goes on, Hinnessy. An' who gets the benefit? Thrue, it saves the boss money, but he don't care no more fur money thin he does for his roight eye. It's all principle wid him. He hates to see th' men robbed of their indepindince. They must have their indepindince, regardless of anything ilse."

" But," said Hennessy, " these open shop min ye minshun say they are fur the unions if properly conducted."

" Shure," said Mr. Dooley, " if properly conducted. An' there we are. An' how would they have thim conducted? No strikes, no rules, no conthracts, no scales, hardly any wages, and damn few mimbers."

That there is much truth in Mr. Dooley's description, no one who has observed the workings of the open shop on a wide scale can deny. The simple fact which punctures the claim that the open shop enables the individual to exercise his right of unrestricted liberty is that no one has the right to exercise his independence to work injustice upon his fellows. We do not allow the burglar, the monopolist, or the enemy of society to have all the individual independence that he likes. So the liberty that would be used merely to damage the right of others to a fair wage is a liberty not worth preserving.

When Strikes are Justified.

One word about strikes. A strike constitutes a form of industrial warfare. It frequently inflicts inconvenience, hardship and suffering not only upon the warring parties but also

on the general public. Moral theologians lay down three conditions which must be fulfilled before recourse can be had to a strike. These conditions are dictated by common sense as well. 1. The demands of the workers must be based on justice. They have no right to coerce employers into giving them more than a fair share of the product by threat of paralyzing the industry, any more than a highway robber has a right to a pedestrian's pocket-book by threatening him with a revolver. 2. They must first exhaust all peaceful means of settling the controversy. 3. The good effects to be expected from the strike should outweigh the evil results.

All parties will readily concede the first point. But both employer and worker have been slow to recognize the importance of fulfilling the second requirement. It cannot be emphasized too strongly that both parties are obliged to discuss the matter at conferences so that each side will have an honest understanding of the other side. Failing to agree among themselves, the dispute should be submitted to arbitration.

Why should not every labor controversy be submitted to a judicial tribunal of expert arbitrators? We submit to the courts matters affecting our property, our liberty, and our lives. Why should industrial disputes be the solitary exception to this rational method which society has worked out at the cost of blood and tears for the settlement of differences? We can secure as fair and impartial arbitrators as we can judges for our courts. The simple truth is that the only fair way of deciding a dispute is to submit it to the judicature of a fair and impartial tribunal. A strike proves nothing about the merits of the question. It proves simply that one side has stronger economic force than the other. It is an irrational and archaic method of settling a controversy, and should be discarded throughout the civilized world. Like war, it is a carry-over from the law of the jungle, and civilization is clamoring for its eradication.

True, boards of arbitration will not be infallible. Mistakes of judgment will occur now and then, just as they do now in matters submitted to our courts. But in the long run they will yield a larger measure of justice to both capital and labor than the present irrational method of hurling bricks, tear-gas bombs, and bullets at one another. An aroused public opinion that will insist upon the conciliatory arbitration of all labor disputes by

competent tribunals with special facilities for getting at all the facts will go a long way toward meeting the growing epidemic of strikes, with all their frightful wastefulness, their violence and bloodshed and their threat to the orderly processes of law and government. Pertinent legislation, anchored in an enlightened and aroused public opinion, would seem to be the next important step along the pathway of social progress and civilization.

Reason Substituted for Force.

The fact is that such tribunals are urgently needed now in all industries. Wages in the different crafts are determined not so much on the basis of the ability, the skill and the productivity of the worker as on the strength of his labor union. What is urgently needed, if reason and justice are to prevail in industry, is the establishment of fair and impartial boards that will effect a just share of the products to all who participate in their manufacture.

In this way economic warfare, with its resulting bitterness and waste in property and life, would be avoided, and a spirit of harmony and coöperation between workers and employers would prevail. Both sides would have the assurance that the problems would be solved not by bluff and bluster but by reason, facts, justice, and social insight. Such boards would help to meet the most urgent need in the economic life of America—the more rational distribution of the wealth and income of the nation. As it is now, wealth tends of itself to increase, so that the rich grow richer and the poor grow poorer. This is a situation which leads not only to regular periodic depressions but also to social upheavals and revolutions.

A society in which wealth is concentrated in the hands of a small minority has the elements of social instability in its very make-up. A stable society needs a broad base, where every family has some stake in the established order. The wise functioning of such boards would provide the best insurance against strikes, class warfare, Communism and similar ills which menace the stability of the economic order and the welfare of society.

Such boards would be able to pass on to the masses a generous share of the increased production resulting from technological improvements, instead of allowing so enormous a share to fall

into the hands of the few, glutting our markets because of the decreased purchasing power of the masses, closing our factories and bringing economic chaos and suffering to the nation. Such tribunals could keep the machine in its proper place as our servant, instead of permitting it to become our master, tyrannizing over us with its super-efficiency in productivity, and starving us because of the superabundance of food it wrings from the earth.

Industrial Democracy.

The corollary of political democracy is industrial democracy. Indeed, without the latter, democracy is apt to be little more than a mockery. It doesn't do a man much good to remind him that he has all the civil, political and legal rights of a millionaire, if he has no job, no home of his own, no savings in the bank. He is as much a pauper as if he were the subject of a tyrannous dictator.

In an effort to make industrial democracy a reality, the American hierarchy in their Program of Social Reconstruction advocate coöperation and copartnership as one of the means of giving the worker a stake in the industry. "The full possibilities of increased production," they declare, "will not be realized so long as the majority of the workers remain mere wage-earners. The majority must somehow become owners, at least in part, of the instruments of production. They can be enabled to reach this stage gradually through coöperative productive societies and co-partnership arrangements. In the former, the workers own and manage the industries themselves; in the latter they own a substantial part of the corporate stock and exercise a reasonable share in the management. However slow the attainments of these ends, they will have to be reached before we can have a thoroughly efficient system of production, or an industrial and social order that will be secure from the danger of revolution. It is to be noted that this particular modification of the existing order, though far-reaching and involving to a great extent the abolition of the wage system, would not mean the abolition of private ownership. The instruments of production would still be owned by individuals, not by the State."

Asserting that "the law should favor ownership and its wide distribution," Pius XI advocates "the reëstablishment of occupa-

tional groups". These would be modelled somewhat along the lines of the guild system. The occupational group, comprising employer and employees, would be authorized by law to fix wages, interests, dividends, prices, to determine working conditions, to adjust industrial disputes, and to conduct whatever economic planning would be deemed feasible in that particular line of industry. The occupational group system would not only bring about industrial self-government but would go a long way toward establishing a full measure of industrial democracy.

The Pontiff earnestly recommends that the wage-earners be enabled to secure some share in the ownership or the management or the profits of the industry. "Sooner or later," comments Monsignor John A. Ryan, "this change must come, and the sooner the better. At present, industrial society is made up of two classes, a very small minority that does all the managing, reaps all the profits and exercises all the ownership, and the vast majority that manages nothing, owns nothing, and gets no profits. Such a society always is and always will be in a state of unstable equilibrium."

Christianizing the Social Order.

By helping to form an intelligent public opinion, which will press ceaselessly for the enactment of minimum wage laws, and for legislation regulating the hours of labor for women and children in industry, providing for labor to share in the ownership, management and in the profits of industry, establishing social insurance, unemployment insurance, old age pensions, and the creation of a job by the government for every man willing to work when private industry is unable to provide it, we shall go a long way toward the Christianization of our economic order and the promotion of social justice.

When Edwin Markham gazed upon Millet's famous painting, "Man with a Hoe," portraying a peasant in the fields, he penned those eloquent lines which reveal the tragedy of a life from which the sunshine of art and culture have been barred by the grinding necessity of ceaseless toil and the lack of the decent comforts of human life. Ten years ago I read them, carved on the wall of a building at the University of California. Well might they be carved into the industrial thinking of the day:

Bowed by the weight of centuries he leans
Upon his hoe and gazes on the ground,
The emptiness of ages in his face
And on his back the burden of the world.
Who made him dead to rapture and despair,
A thing that grieves not and that never hopes,
Stolid and stunned, a brother to the ox?

Through this dread shape the suffering ages look;
Time's tragedy is in that aching stoop;
Through this dread shape humanity betrayed,
Plundered, profaned and disinherited,
Cries protest to the Judges of the World,
A protest that is also prophecy.

Centuries ago Christ said: "I have compassion on the multitude," as He fed them in the wilderness. Like her Divine Founder, the Church stands out to-day as the great friend of the toiling masses, the protector of the oppressed, the champion of the downtrodden. She insists upon full economic justice to the employer and the employee. Before the eyes of a world groping in the dawn of a new industrial order, she holds aloft the torch of justice. Across the horizon of human life, she emblazons as a rainbow in the sky the gospel of a living wage, of economic justice, and social happiness for every toiler under the sun.

JOHN A. O'BRIEN.

Champaign, Illinois.

Analecta

SUPREMA SACRA CONGREGATIO S. OFFICII.

Decretum Circa Can. 1127 Codicis Iuris Canonici.

In plenario conventu huius Supremae Sacrae Congregationis Sancti Officii, habito Feria IV, die 5 maii 1937, propositis dubiis:

1. Utrum in matrimonio contracto a duobus acatholicis dubie baptizatis, in casu dubii insolubilis circa Baptismum, possit permitti alterutri parti ad Fidem conversae usus Privilegii Paulini vi can. 1127 Codicis Iuris Canonici?

2. Utrum in matrimonio contracto inter partem non baptizatam et partem acatholicam dubie baptizatam, in casu dubii insolubilis de Baptismo, possint Ordinarii alterutri parti ad Fidem Catholicam conversae permittere usum Privilegii Paulini vi can. 1127?

Emi ac Revmi Patres Dni Cardinales Fidei morumque integritati tutandae praepositi, omnibus mature perpensis, respondendum decreverunt:

Ad 1. Negative.

Ad 2. Recurrendum ad S. Officium in singulis casibus.

Hanc vero Emorum Patrum resolutionem, in audientia E. P. D. Adsessori S. Officii die 13 eiusdem mensis et anni impertita, Ssmus D. N. Pius Divina Providentia Papa XI adprobare et Suprema Sua Auctoritate confirmare dignatus est, ac publici iuris fieri iussit.

Datum Romae, ex Aedibus S. Officii, die 10 iunii 1937.

I. Venturi, *Supremae S. Congr. S. Officii Notarius.*

Studies and Conferences

Questions, the discussion of which is for the information of the general reader of the Department of Studies and Conferences, are answered in the order in which they reach us. The Editor cannot engage to reply to inquiries by private letter.

ON CONVERT-MAKING.

To the Editor, THE ECCLESIASTICAL REVIEW.

Every priest by the grace of God has his own way of instructing converts. It is better that he should retain his own way, the way that is natural to him. But there are methods used by other priests, ideas which other priests have, that often can be fitted into one's own system. It is with that idea in mind that this letter is being written. I was talking a short time ago with a diocesan priest, the Rev. John A. Gabriels of the Diocese of Detroit, who has been successful in non-Catholic work, making more than sixty converts every year. What he had to say was interesting. With the hope that it may be interesting and helpful, I am passing it on to the REVIEW readers, with your kind leave.

The beginning of convert work from a human standpoint is the making of contacts. In making contacts this diocesan priest advises using approved advertising methods. Advertising men, he says, will tell you that for the best results the same advertisement has continually to be repeated. So for years people will see on billboards the advantages of using a particular kind of soap for their complexion, the lift that a certain brand of cigarette will give them, and so on *ad infinitum*. If it did not pay to keep these same ideas continually before the public, needless to say other advertising methods would be used. But this simple method has proved most successful. Consequently use the same method in seeking out probable converts. Make the same announcements at all the Masses every Sunday of the year, namely that convert classes will be held at such and such a time during the week. Keep that idea continually before the parishioners. Encourage your people from time to time

to bring in their non-Catholic friends who are interested in learning more about the Church. Become known as a parish that is specially interested in convert activity and people from all over your district will come to you for instructions. Again, for contacts run an occasional advertisement in the daily papers. Let non-Catholics know in every way that you are willing and glad to give them instructions in the faith, that they are placing themselves under no obligations by coming. Let them realize that you are not only glad but anxious to have them come to Catholic services. All Catholics understand that everyone is invited to assist at Catholic worship, but to make this fact plain to non-Catholics place on the sign outside of your church that good old universal invitation, "Everybody Welcome". That sign in itself gives even a Catholic a warm feeling around the heart.

When the contact is made and the inquirer comes about instructions, give him a catechism. It costs only a few cents and the commercial angle should not enter into convert work. Tell the prospective convert that your instructions to him are free, that you are giving of your time, energy and knowledge without cost, and that in return for your efforts on his behalf you ask only one thing and that for God. Then turn to the prayers at the back of the catechism, mark the Our Father, Hail Mary, Creed, Act of Love and Act of Contrition, and ask him to promise you to say those prayers every night before retiring, whether he feels like it or not. Insist on his going to Mass every Sunday and doing what the people do—sitting, kneeling and standing. Emphasize the spiritual element in the Catholic religion, remembering that an occasional fervorino is very effective. But above all things, says this diocesan priest, the instructor must remember the three requisites necessary in making converts—First, Be kind; second, Be kind; third, Be kind. To be sarcastic, to lose one's temper, to be annoyed, to ridicule them when they ask silly (?) questions or to frighten them by making their step into the Church a terrible ordeal is most unwise. To be blunt or rough, to enjoy their discomfiture when worsting them in an argument does not make for a kindly feeling on the part of the inquirer.

If a small class attends your lectures instruct them in your office or study. Use a chart as often as possible, because it

brings out more clearly than words the teachings of the Bible and the truths of the Church. If a large class attends, use your school hall or other public building. In the latter case give your instructions in your Roman collar and everyday suit, because cassocks and habits are so mystifying to many non-Catholics that they expect squirrels and rabbits to pop out from the sleeves or from between the buttons. If strangers attend who do not introduce themselves, allow them to remain as strangers. If you are too forward in seeking their acquaintance they are likely to drop your lectures. Let them seek you. At the conclusion of the course suggest that they make the course a second time, if not immediately, at least at some future date when they will get a great deal more out of it.

If in the beginning of the instructions your prospective converts ask questions out of order, request them to restrain themselves until in the course of the lectures you come to their particular difficulty. They will understand the reasonableness of this request if you tell them the story of the college professor and the sophomore. In the early part of the school term the sophomore asked his professor to work a problem in the middle of the trigonometry book. The professor refused saying that the student would not understand that particular problem until he learned what went before. In the Catholic Church the inquirer cannot understand the infallibility of the Pope until he first learns of the Divinity of Christ and that Christ founded a Church of which the Pope is the head. It is the same with every premature question which they ask. They cannot understand correctly until they have learned what goes before.

Make the doctrines of the Church reasonable, interesting and attractive. Tell stories to illustrate the various doctrines, because, as everyone knows, stories are more effective with the majority than proofs from Scripture, Tradition, and Reason. They can remember stories and associate them with doctrines, while proofs often go through their minds without making a lasting impression. For example, to illustrate the true feelings in the soul of every man that there is a God, tell them the story of the atheist. This atheist conducting a lecture in Baltimore, taking a watch in his hand, said: " It's three minutes of eight. If there is a God in the heavens, I defy Him to strike me dead before eight o'clock." Eight o'clock came and passed and noth-

ing happened. But a few weeks later the same atheist was on an ocean liner during a severe storm. As the waves rose over the prow of the ship the atheist was observed in a prominent part of the salon praying for deliverance. When asked afterward about his inconsistency he replied, "When the boat's going down every man believes in God." But God is above even when the boat is steaming along on a calm sea.

After you have established the existence of God and that Christ is God, confirm His Divinity by a lecture on the Resurrection. Then work out from the Resurrection. Jesus Christ who rose from the dead said that He was God. Jesus Christ who rose from the dead gathered disciples about Himself and formed them into a teaching Church. Jesus Christ who rose from the dead instituted seven Sacraments. Those seven Sacraments still are in the Church. They will be in the Church if the world lasts for another hundred thousand years, for all the power of the Popes cannot alter, discard or destroy even one of these Sacraments. True, the Protestant churches have attempted to discard several of them, but in doing so they were exercising more autocratic power than the Popes of the Catholic Church ever dreamed of exerting. Jesus Christ who rose from the dead instituted these Sacraments and the Catholic Church teaches that they are indestructible.

After your lectures on the doctrines remind them that you have touched only the high spots in the teachings of the nineteen-hundred-year-old Church. That a person could study till he was ninety and still there would be things to learn. That your teaching is not your own opinions, but is only what our Lord taught His disciples when He was upon this earth. That just as our Lord did not convert all to whom He spoke, so it would be rash for you to expect to convert everyone in your audience. As there were hindrances to conversion in our Lord's time, so there are hindrances to conversion to-day. In our Lord's time there were three classes of people who listened to His teachings: first, there were the proud, who would not pray; then, there were those who wondered what their relatives would think if they joined the disciples of the Master; still others there were, who thought that the teachings were too hard. The same classes are in the world to-day. The sad thing is that some in this audience may be among them. Everyone has free

will. With that free will, in spite of hindrances, you can accept Christ or reject Him.

In your concluding lecture urge them to follow after Christ. Tell them how easy it is to become a Catholic. If they have not yet been baptized they will first of all receive that sacrament, either absolutely or conditionally. First confession is easy; and you can go to any priest; say " This is my first confession " and he will help you. Then receive our Blessed Lord in Holy Communion. When the bishop comes he will confirm you. Then say your morning and evening prayers; come to Holy Mass on Sundays and holidays of obligation, live according to the dictates of your conscience, the Ten Commandments and the teachings of our Lord: and the Catholic Church gives you surety of the salvation of your soul. Make the doctrines of the Church reasonable, interesting and attractive. Be kind. Then under the influence of grace the sincere inquirer will be impelled to accept the Church as necessary for his soul's salvation.

This in general is the method used by one priest who has been successful in making converts. No one is expected to adopt his technique in its entirety because every priest should use a method that is conformable to his own personality. But, as we stated in the beginning of this letter, there may be ideas in this method that our priests can fit into their own. If there are, and if other priests inspired with the desire of bringing men into the Church can adapt them to their own methods, then my contribution will have been happily written.

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DEVOTION TO THE INFANT OF PRAGUE.

To the Editor, THE ECCLESIASTICAL REVIEW.

On page 630 of the ECCLESIASTICAL REVIEW for June, 1937, an answer to a question regarding the devotion to the Infant Jesus of Prague has left the impression that this devotion is of a private nature, not having universal approbation in the Church. It is true that the devotion originated with the Discalced Carmelites and has been propagated by them, but it is no longer a private devotion, nor has it been since the time of Pius X.

On the 30th of March, 1913, the Superior General of the Discalced Carmelites obtained from His Holiness, Pius X, the power to erect everywhere the Confraternity of the Infant of Prague. The Statutes of the Confraternity were approved by the Sacred Congregation of the Council on 24 July, 1913. Moreover, the Sacred Congregation of Rites on 24 November, 1920, granted permission for a Votive Mass of the Holy Name (with Gloria, Credo and one Oration), to be said or sung on the Sunday after the Circumcision in churches or public oratories where the Confraternity is canonically erected.[1]

The fact that a devotion "has neither Mass nor Office in the Missal and Breviary approved for the use of the Church throughout the world," does not necessarily mean that it has not received the approbation of Rome for the universal Church. The devotion to the Infant of Prague is still very much alive, and the statue may be seen in many churches and convents.

THOMAS M. KILDUFF, O.C.D.

Washington, D. C.

VOTIVE MASSES DURING FORTY HOURS ADORATION.

Qu. In the *Manual of the Forty Hours Adoration* (Philadelphia, The Dolphin Press, 1928 and 1934), it is not specified that the solemn votive Masses used during this devotion are not permitted during the privileged octaves of the Epiphany, Easter and Pentecost. In another place, the *Manual* states that privileged octaves are to be commemorated in these Masses when they occur. Since the solemn votive Mass is not permitted during these octaves, should not the *Manual* be revised, since it is followed in so many churches in this country?

Resp. In the *Missale Romanum*, under the section: "Additiones et Variationes . . . in rubricis missalis", paragraph 2: "De Missis votivis", No. 3, one reads that a solemn votive Mass for a grave and public cause, celebrated with the consent of the Ordinary, with chant and congregation (under which heading falls the solemn votive Mass prescribed during the Forty Hours) may be said on any day, except Sundays and Doubles of the first class, the vigils of the Nativity and Pentecost, privileged ferias, and on All Souls' Day. Hence, during the

[1] *Manuale Confraternitatis Divini Infantis Iesu Sub Titulo Pragenis* (Mediolani, Typis S. Consociationis Eucharisticae, Pp. 16, N. D.)

privileged octaves of Epiphany, Easter and Pentecost the solemn votive Masses prescribed for the Forty Hours Adoration may be chanted unless there falls a Double of the First Class. This actually happens on the Mondays and Tuesdays of both Easter and Pentecost weeks. But if the Forty Hours Adoration is held later in the weeks in question, the solemn votive Masses may be and should be used, if no other feast of the first class is celebrated. The rubrics in the *Manual of the Forty Hours Adoration* are therefore correct.

NON-CLERICAL CONFESSORS.

To the average non-Catholic the word " Confession " calls up visions and stories of a highly organized clerical spy system, of an elaborate plan of priestly interference in the domain of conscience, of a long and widely established tyranny over timid souls, of an under-cover agency for the terrorizing and perversion of the unsuspecting and defenceless victims. Besides this, it is also looked upon as the exclusive contrivance of the " Church of Rome ", as something carefully shunned and piously detested by all other sects, organizations and professions; and as something which marks off " Romanism " as a thing apart, monopolizing something which should not exist. How all these views came to be lodged in the non-Catholic mind is something very strange and unaccountable; and how these views continue to remain there is still more strange and unaccountable; for, a little thought and examination will show that—apart altogether from its sacramental use—confession is a very widely spread institution among many organizations and with many professions, and that Confession as practised among Catholics and to a priest, is much easier, and absolutely inexpensive; whereas that made to non-clerical confessors is very often quite humiliating and very often quite expensive.

In order to realize the truth of this, let us drop for a moment the hated word " confession ", and, while speaking about the thing itself, let us call it by some other name, for example self-accusation, self-revelation, or answering a questionnaire, or anything else you wish; and, under one or another of these names we have something that is very useful, very frequent, and sometimes very unpleasant; something that is as old and as

widespread as human nature itself; something that never excites comment or criticism—provided the revelation is not made to a priest and in a confessional. This latter circumstance is " the very head and front of its offending ". Anyone and everyone may go to confession anywhere, and at any time, and to anyone whom he may choose; everyone in fact *does* go to confession; but the only kind that comes to mind when people talk of " confession " is the kind that is practised by and in the Catholic Church, whereas these latter are only a very small percentage of the total. Let us see.

To give a true statement of our condition is a necessary preliminary if we wish to get the proper remedy for our ailment. For, a remedy must fit the subject, must take into account his present, past and future, must accommodate itself to his age, sex and circumstances. To prescribe for a patient whom we don't know, would be like sending a birthday present to our sister's child without inquiring whether it was a boy or a girl, an infant or a high-school student: we might send a baseball bat when it should have been a vanity-box; or a beautiful edition of Shakespeare when it should be a teddy-bear or a balloon. Consequently before any one can minister to a mind or body that is diseased, there must be a frank avowal of all the ills the patient is heir to, of all the acts and conditions that have entered into his life, of all the circumstances that might help or hinder the prescription.

And this avowal must have the very same qualities that the Catholic Church prescribes for confession: it must be entire, humble and sincere; it must be the truth, nothing but the truth, and the whole truth. The searching eye of the inquisitor will be on you as you speak; and any reticence, distortion or squeamishness will be set down as lack of confidence or lack of honesty, and is sure to be used afterward as an explanation if the remedy prescribed does not prove efficacious. Nay, horrible to relate, all this may have to be done in the presence of a stenographer who may be of the other sex; or who may be living next door, or who may belong to the same club or society of which the informant is a distinguished member.

Are revelations of this kind common? Oh, yes, very common; as we just said, in fact they are far more common than confessions to a priest. The filing cabinets of every doctor,

lawyer, nerve specialist, insurance office and social worker in the country is full of them, which, if opened to the public, would bring society to desolation, and house upon house would fall. The practice is becoming more and more common, and there is scarcely one of us who has not been to confession to one or other of these father-confessors, and whose present and past life, defects, and misdeeds are not filed away in some one or other of their offices. Going to confession to a doctor, for example, is far more common than going to confession to a priest; also far more embarrassing. For, he will want to know not only the nature and history of your present ailment, but also the nature and history of all your previous ailments; he will want to know about your brothers and sisters, about your parents and grandparents, uncles and aunts; about what and how often you eat and drink and smoke; about your associations, dissipations and recreations. Indeed you begin to think he wants to know too much; you begin to regret that you came at all. However, there is more to come: for after finding out all you can tell about your condition, he will submit your body to an ocular examination; he will put you through various physical tests and contortions; he will place you in front of some electric apparatus by means of which he can look not only *at* you but *into* you and quite *through* you; and if you are too stubborn or too modest to go through all this, the doctor will refuse to prescribe for you. And all this is necessary; a doctor who would prescribe for you without this preliminary scrutiny would run the risk of ruining his own reputation and your health; and every doctor's office is a confessional in which confessions of that kind are made and heard every day. After you have made one of these confessions, you will realize how much easier it is to confess your spiritual ailments to a *spiritual* confessor in a dark confessional with nobody but the two of you, than to tell your bodily ailments to a medical confessor in a well lighted office with the stenographer taking a record of your own admissions and the doctor's discoveries, for future reference.

We have mentioned the doctors not because they are the only competitors of the clergy in the matter of confession, but simply as an illustration. Indeed the number of competitors is legion. Take for example the competition from the legal world. Just as we go to confession to a doctor when we have physical trouble,

so we go to confession to a lawyer when we have legal trouble: for example, when we get into a fight or an automobile collision. And, as a confessor, the lawyer is just as embarrassing and as annoying as the doctor. For he insists on knowing not only the nature and circumstances of your present offence, but also the nature, number and circumstances of your previous offences; in other words he will ask you to make not only a particular confession but a general confession. He will want to know your record with the local police department and the local judge; whether you were alone or in company on the occasion in question, whether you had a drink on the occasion and how many. He will ask you to tell him anything and everything that may add to or diminish the seriousness of the trouble; anything and everything that may offset the charges of the other party in the mishap, who is just now closeted with an opposing legal confessor and giving *his* side of the story. Furthermore, after you have gone to confession to your own lawyer in private, you have to go to confession to the opposition lawyer in public; and then, goodness help you if in your life there have been any "ways that are dark or tricks that are vain," you can never again lift your head in the community.

And as it is with the doctors and lawyers, so also it is with any and all others to whom you may apply for a remedy: they demand a full and complete confession before they will prescribe for your ailment. The insurance man, the social worker, the nerve specialist—they all come along with a questionnaire as long as a day in June, and by the time you are through, you will have made a confession longer and more detailed and more embarrassing than ever you made to your clerical confessor. Indeed, it might interest you to sit down and figure out all the times you have gone to confession in non-spiritual matters, and I think you will realize that the easiest one and the one that did you most good was the one you made in church.

Confession in church costs you nothing; you can go as often as you wish, without encroaching on the family budget. There is no record of what you say, nor any recognition of personal relations. Those who go most frequently come to love it because of its spiritual helpfulness; those who criticize it most are those who know nothing about it, and who themselves go

to confession to other kinds of confessors, many of whom are quacks and fakers, and all of whom have a pretty high fee for finding out what is wrong with you, and a still higher fee when it comes to prescribing the remedy. Frequent use of confession as practised in church would diminish very considerably the necessity of the other kinds of confession which I have mentioned; and a comparative study of them all would result in an instantaneous verdict in favor of the superiority and inexpensiveness of the one to be had at the beck and call of every Catholic in his parish church.

In these paragraphs I have not touched at all on confessions as practised in non-Catholics churches, because it is a matter about which I do not know much. But I *do* know that the custom is spreading rather than diminishing; and I mention it simply as a further proof that confession is *not* a monopoly of the Catholic Church; and that the children of this world are beginning to realize the wisdom of a much misunderstood and a much abused practice of the children of light.

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SCHOOL COMMENCEMENTS IN CHURCH.

To the Editor, THE ECCLESIASTICAL REVIEW.

Is there a liturgical Catholic high school ceremony, so that all or part of this function may take place in the sanctuary? I have searched in vain works by most approved liturigcal authors, but can find no mention of it.

I have attended several school commencements this year, and there does not seem to be any uniformity in them. I will describe one which the people seemed to think was the "prettiest", and many were at a loss to know why the priests of this parish did not take their liturgical high school rubrics from this ideal. There were about 190 graduates from the two parish high schools; one conducted by Brothers and the other by Sisters. Nearby was a large auditorium as well as the great church in which this solemn high school function was held.

The procession started at the high school and moved on to the front door of the church through the spacious grounds. First come a cross-bearer with acolytes carrying lighted candles. Then followed the graduates, the young ladies first and the young men behind them, all wearing academic caps and gowns, and finally three priests vested in cope, dalmatic and tunic. The priests joined the procession at the school. Near the entrance of the church the young ladies separated about a step and the young men passed through a sort of "London Bridge is falling down". As they approached the main altar, the young men stopped, fell back, faced each other and formed a guard of honor as the young ladies passed between—a sort of liturgical Grand March effect.

The sanctuary, a very large one, was filled with temporary stalls. The young ladies went very demurely through the sanctuary gates, genuflected before the high altar and went to their stalls. The young men, following, did the same, taking seats on the opposite side of the sanctuary. It looked very much like the pictures the women's magazines used to give showing the most beautiful Protestant church at Christmas time.

The three vested Fathers approached the high altar. Standing, one recited the rosary. A sermon then followed. The three Fathers, still vested, stood on the predella and gave out diplomas and medals. The graduates came forward two abreast, as their names were announced by a priest in the pulpit.

Benediction followed, during which the graduates consecrated their lives to the Sacred Heart of Jesus and Our Mother of Perpetual Help. Before Benediction I observed that the boys had not removed their caps even when they genuflected before the altar, and they remained with heads covered even while Benediction was given. At the close, the procession passed down the center aisle and out of the front door to the strains of a secular march played on the great pipe organ. The Fathers retired to the sacristy.

W. S. O'ROURKE.

Lincoln Park, Michigan.

NEWMAN AND FABER.

It is a commonplace in the history of religious communities that their beginnings, after the first flush of enthusiasm, are marked by trials. God seems to test the mettle of founders by permitting them to undergo difficulties, often of the most painful sort, often caused by strife within as well as opposition from without. Surely one of the greatest of the many trials Newman met with after his conversion must have been his growing realization of the wide difference of view existing between himself and those members of his community who later founded the London Oratory.

Briefly, the facts were these: the first English Oratory, headed by Newman, embraced two distinct groups of converts, those who had either been with Newman at Littlemore in his Anglican days or had otherwise come within his influence, and those who had been members of the Brothers of the Will of God, or Wilfridians, a tentative establishment made by Frederick William Faber shortly after his conversion. The coming together of these diverse men seemed at the time most providential. As Faber said in 1850, "In remarkable ways (which it would be out of place to detail here), not only without forethought, but quite contrary to it, a Roman Saint, but little known in England, and with a very special genius of his own, attracts them to himself. They are drawn almost without knowing it, some abroad, others at home, some earlier, others later, some attracted by one feature of the Saint, others by another, and some with little or no perception of what it was which was so palpably alluring them. . . . When you consider the varieties of character and disposition, of education, taste, circumstances and wants, of a score of men, you will admit that there is something remarkable in this fact." [1] Remarkable indeed it was, but it would have been no less remarkable if two men of such different genius as Newman and Faber had remained in close association permanently. At all events, they did not. The Wilfridians had been admitted to the Oratory in February, 1848, the very month of its inauguration; by January, 1849, the scheme of an affiliated Oratory in London was being considered;

[1] Faber, Frederick W., *The Spirit and Genius of St. Philip Neri, Founder of the Oratory*, London, 1850, pp. 2-3.

and in April of that year it was an accomplished fact. This move was, to be sure, partly due to the urging of Bishop Wiseman, who, after he became Vicar Apostolic of the London District, desired Newman to transfer the entire Congregation to London; but the careful Wilfrid Ward declares that, " There is no doubt that Newman's differences of view and temperament from the ' young men from St. Wilfrid's ', which gradually became unmistakable, contributed to suggest the idea of a separate Oratorian house in London in which the energies of Father Faber especially should have their scope, and which should be recruited from those fathers and novices whom Newman felt not to be in full sympathy with himself." [2]

The first rock over which these " differences of view and temperament " stumbled was the matter of popular devotions. The " young men from St. Wilfrid's " took more than readily to the exuberant piety of continental Catholicity. At first, Newman tried to adopt their ideas and expressions wholeheartedly; indeed, to the end of his life, he was devoted to the *Raccolta* (which was translated into English by his closest friend, Father Ambrose St. John) and certain other Italian prayer-books. But he began to notice an unfavorable public reaction. Catholic families which had preserved the Faith through the penal days and the bleak eighteenth century, priests to whom Catholic Emancipation was still a new thing, looked askance at what seemed to them the brash enthusiasm of a group of fledgling converts who were said to belittle the sacrosanct architecture of Pugin and who flaunted their Oratorian habits beneath the horrified eyes of the Commissioner of Woods and Forests. *The Garden of the Soul* had formed in the " old Catholics " a deep and sturdy piety; but they would have none of these foreign innovations, and little to do with the innovators. An Oratorian preaching mission in the London churches, in which Newman himself took part, was a flat failure. Then Faber, with Newman's full approbation, began to publish the biographies of some modern saints, translated from the Italian, which were so bitterly (albeit it may seem to us, unjustly) attacked as unsuitable to Englishmen and unacceptable to Protestants, that Newman felt obliged, for the sake of peace,

[2] Ward, Wilfrid, *The Life of John Henry Cardinal Newman* (Two volumes in one), London, 1937, vol. I, p. 216.

to suspend their publication; though, in his official letter to Faber, he pointed out that his own sympathy lay rather with the " lives " than with their attackers. It is worth noting that those of Newman's letters to Faber which Ward printed are all sympathetic although thoroughly frank in tone. Newman never lost his esteem for Faber's great zeal and great gifts, even when he felt bound to moderate the one and preserve the other from what he considered misdirection.

Deeper still perhaps were the differences between these two men and their respective followers over the nature of the Oratorian ideal and details of the government of the Congregation. As early as the spring of 1849, letters were passing between the Birmingham and London houses concerned with Newman's idea that the Oratory should aim at developing learned men and producing works in the field of history which would be useful to theology and polemics. To the view of Faber that this was more in keeping with the ideals of the French Oratory than with those of St. Philip's institute, Newman opposed a list of learned Fathers of the Roman Oratory from Baronius to Theiner, as well as stating that the pontifical brief establishing the English Oratory made express provision for such work. Faber, not convinced, continued to keep the London house strictly to the " prayer, preaching, and sacraments " of St. Philip's ideal literally understood; and Newman did not press his view.

Thus for seven years the " differences of view and temperament " between the two houses went on, until, in 1856, the Holy See declared each an independent Congregation.

It is with some bewilderment that one who knows anything of the Oratorian rule approaches the history which led up to this final separation. Perhaps the most notable feature of the Oratorian rule is the absolute autonomy of each house, an independence even greater than that enjoyed at the present time by most Benedictine abbeys. Not only are there no general or provincial superiors, but each house is considered a separate Congregation; and it is against Oratorian tradition for any Congregation of the Oratory to have jurisdiction over any branch- or daughter-house of any sort, not to mention over another Congregation. It is well known [3] how steadfastly

[3] Cf. Ponnelle, Louis, and Bordet, Louis, *St. Philip Neri and the Roman Society of his Times*, tr. Ralph Francis Kerr, London, 1932, ch. VI and VII.

St. Philip himself stood out against assuming responsibility for any house other than his own Roman Oratory. It seems unbelievable that this tradition should have been unknown to Newman when the London Oratory was founded in 1849: but the evidence shows that he must have been to some extent ignorant of it. In the beginning he certainly treated London as subordinate to Birmingham, giving Faber the title of "Rector" (the title used among Oratorians for the assistant or representative of the superior, who is called Provost) and not hesitating to take Faber to task when the activities of the London Fathers displeased him.[4] There can be no doubt that he regarded himself as superior of both houses.

Naturally, so regarding himself, Newman was given additional pain when, in 1855, the London Oratory, without consulting him, applied to Propaganda for a dispensation which would permit the Fathers of that house to direct communities of sisters, an activity which the rule forbade. Propaganda granted the petition and included the Birmingham house in it as well. Ward speaks of this incident as follows: "Newman was deeply pained at the transaction . . . regarding it evidently as a symptom of a growing alienation from himself on the part of the London House. I am led to this conclusion because he shows, when referring to it in his letters, a feeling far deeper than the event by itself appears to warrant. It was probably the culminating point of a series of occurrences which had already caused him great pain." [5]

It was after this that Newman asked the London Oratorians to join with him in seeking from the Holy See recognition of the independence of each house. Strangely, they refused. Newman thereupon went to Rome himself to present his petition. How deeply his emotions were stirred by the situation is evidenced by the fact that, before going to his hotel, he walked barefoot to St. Peter's to pray at the tomb of the Apostle. Apparently there were in Rome conflicting opinions of Newman's position: Pope Pius IX had declined to confirm the brief sought by the London Oratory until Newman could be consulted about it, but at the same time Newman had been denounced to the Holy Father as wishing to be "head or general

[4] Ward, op. cit., vol. I, p. 220.
[5] Ward, op. cit., vol. I, p. 450.

of the two Oratories ".[6] Still, the Prefect of Propaganda, Cardinal Barnabo (who, it would appear, did not completely trust Newman at any time of his life), bluntly refused to give the English Oratories each a separate brief. The mystery deepens almost to impenetrability when it appears that exactly the same request was granted by Propaganda six months later, when it was asked by Faber.

There can be no doubt that Newman was acting in good faith in attempting to govern both Oratories in the beginning. Apparently he was not fully familiar with the tradition of the absolute separateness of each house until, on his way to Rome in 1856, he stopped at various continental Oratories to take counsel on the best way to secure recognition of Birmingham and London as independent Congregations. All of the European Oratorians whom he consulted said that it was unthinkable for one house to interfere with another. These conversations he describes in a letter written more than four years later, with numerous words underlined, as if to indicate surprise, and adds: " Oratories are independent bodies with *one and the same* Rule; with no *external* Superior short of the Pope Himself; and with the privilege each of *interpreting* for itself that common Rule; and in consequence with great *divergence* in fact one from another of character and work."[7] Perhaps Newman's apparent failure to grasp this essential element of Oratorianism until the differences between Birmingham and London reached a crisis can be explained by the fact that neither he nor any of the other English Oratorians had ever actually lived in an Oratory until the establishment of their own house in England. Although he had made some private study of the rule and had definitely decided by February, 1847, to become an Oratorian, his " novitiate " did not begin until after his ordination in May of that year, and he left Rome for England, superior of the English Oratory, on 6 December. The " novitiate " itself was spent in a section of the Cistercian monastery at Santa Croce, which was assigned to the English candidates by Pius IX, although they did have an Italian Oratorian with them as novice-master. It should be added that, during this period of novitiate, Newman journeyed to Naples to visit the Oratory there, as well

[6] Ward, op. cit., vol. I, p. 451.
[7] Ward, l. c.

as calling at other Oratories from time to time while on the continent. Considering these facts and the other tasks, relating to his study of Catholic theology and his continued writing, which occupied him during his stay in Italy, it need not be thought odd that his Oratorian formation may have failed to include instruction in one phase of the Oratorian system which the Italian Fathers, with their long-settled tradition in the matter, would take for granted.

But no facile explanation can be given of the strange events surrounding the actual final separation of the two English Oratories. Ward, who had an access to the Newman papers which has never been granted to any other writer, deliberately hurries over this part of Newman's life in two paragraphs. He says: "So little is to be found among his papers relating to this subject, that I do not think he desired that any full account of it should ever be made public." [8] He does not give a single quotation from any of Newman's letters dealing with this subject, however few those references may be, except the one written four years after the separation, which is quoted above. This reticence is the more remarkable because Ward does note the deep feeling with which Newman refers to the affair when he does speak of it. Of course, Ward's "Life" was first published in 1912, only twenty-two years after Newman's death; and only "in a few cases" [9] did Newman's literary executor, Father William Neville, put the originals of Newman's letters into Ward's hands—most of the letters printed in the "Life" are from Father Neville's transcriptions. These facts may well account for Ward's silence. But they do not satisfy the curiosity of the student of Newman about a part of Newman's life which evidently loomed very large in Newman's own eyes. As for Faber's part in the affair of the separation, there is no critical biography of Faber to guide the student.

It is not for any extern to say that the time has come for the Oratorians of Birmingham and London to unlock what apparently is still kept as a domestic secret. They are presumably the best judges of that. Suffice it to point to this lacuna in our historical knowledge and to express the hope that the archives of the two English Oratories and of Propaganda will

[8] Ward, op. cit., vol. I, p. 450.
[9] Ward, op. cit. Prefatory Note.

one day yield up to a qualified and patient searcher their hidden treasure of information. What will they yield? Nothing, surely, which could serve to reopen wounds now nearly a hundred years old or to diminish the stature of two men who were great enough to differ tenaciously about the ideals of their common father: their very differences only emphasize their devotion to the ideal of St. Philip, as each comprehended it. And who, surveying what the Birmingham and London Oratories, each in its way, have done for English Catholicism, can say that either one was wrong? No: one can adopt, for both Newman and Faber, the words which Henri Bremond wrote five years before the publication of Ward's "Life": "I am perfectly convinced that, with every reader of right feeling, the result will be edifying. Let us put the worst case possible. Suppose there is an angry letter, one of those caustic sayings that people sometimes write to those to whom they can speak their mind. Candidly, what would this freak matter, compared with the admirable resignation of so many other letters, compared with the real, tangible, persevering testimony of a whole life?" [10] The letters published in Ward's "Life" showed how true was Bremond's estimate of Newman. It would be, one feels quite sure, as true of Faber.

Despite their differing views and temperaments and gifts, both were great men, great priests. Both have left an indelible impress upon the religion of English-speaking Catholics throughout the world. And it is pleasant to recall that, long years after their two houses went their separate ways, when the shadows were closing around the aged "Father" of the Birmingham Oratory, almost his last request was that he might hear, once more before he died, the strains of Faber's hymn, "Eternal Years".

DONALD HAYNE.

Iowa City, Iowa.

[10] Bremond, Henri, *The Mystery of Newman*, tr. H. C. Corrance, London, 1907, p. 41.

OUR PARISH MISSIONS ARE DECLINING. WHY?

To the Editor, THE ECCLESIASTICAL REVIEW.

In your July number a worthy missionary asks: Are our parish missions declining? He admits they are and rightly laments it. Since the good Father has had his inning, may I, a parish priest, have mine? I, too, sadly admit that parish missions are not only declining, but have declined. But I honestly do not think " Missioner " has shown the basic reasons in his diagnosis.

In my experience I cover two generations. The old-time mission was a tremendous event in the parish. For weeks before, its priest and people prayed " for the success of the mission ". Sisters and children prayed. Not much of that precedes our present missions. Lots of publicity, yes, and often the mission Fathers' picture appears in the newspaper—but not much of prayer.

As a primal cause of the decline of the parish mission I place first " the Big Novenas " we now have *ad nauseam*. These are invariably given by religious who are nominally assigned to " the Missions ". The dear Little Flower, St. Jude of the Impossible, Our Lady of Perpetual Help, the Novena of Grace and Good St. Ann hold the spiritual stage to-day, and, pardon me, they are highly commercialized affairs. High-power spiritual salesmanship " puts them over big ". The old-time mission had its early morning Mass and Instruction and its Evening Services with the Mission Sermon that made us shiver. But now we have the Novena Service on the hour and a collection at every one of them. I would rather have you ponder over this than pursue the thought myself. They pay much better than the old-fashioned mission.

In all our large cities we have " Devotions " rampant. There is Monday for St. Anthony: Tuesday for Our Lady of Perpetual Help: so running all through the week and running all through the year. And the good Fathers who could and would make a success of a parish mission are needed at home—or are engaged in our parishes " to give Novenas ". I honestly believe that many of our men, sinners they may be, are so fed up on the piosity and credulity of their neuropathic mothers, wives and elderly daughters, that such religion becomes annoying to them,

and a parish mission is just one more of these tiresome events. So " sensible men and women " stay away. And even to the Novena devotees the parish mission is a tame affair in comparison with the excitement and miracles of the Big Novena. If we are to follow the mind of the Church, if we are to revive the parish mission, we must stop our perpetual-motion Novenas and Special Devotions that are hurting religion pure and undefiled. In this, of course, to be candid, I must appeal to the religious communities to lead us back to the olden paths. They have carried on bravely in the past, and have in these ominous days great work to do.

What sweet and solemn memories we have of the grand and grave Mission Fathers! Their very appearance made one think of God, the soul, eternity. Their preaching never took on the learned and up-to-date style. They were divinely earnest but never theatrical or smart. It was the stern simplicity of the Gospel truths coming from men who had no other mission than to preach Christ and Him crucified. In their instructions and sermons they never told " funny stories " at the cost of sacred things. They did not tell—to the laughter of all—how some poor old fellow, or precise old maid made her confession. They " bawled out " the people with the fear and love of God ringing in their voices, but they never called the simple folk " simps " or " nit-wits ". They heroically lived the holy lives they preached. They were satisfied with what was set before them at table. The grocer, butcher and wine bills did not jump so high during their two-weeks stay. They did not have to have a big lunch before they retired to their rooms, tired and early to bed. They did not gossip. They had no " hunch " to take in a ball-game or two before the weary and nervous " confession-days " came on. Their arrival at the rectory was an edification. In simple attire they came and with regret they left. There was not the " doubling-up " of men, sometimes three or four in one mission, as we often have now. There was no need of " a special diet " or special dishes for each one. Their hair was not nourished with " bear oil ", nor were their curls artfully shown. They did not wear " swagger " overcoats or perfectly pressed trousers. Of course there is no harm in that: our priests must always be gentlemen. But the good old Fathers were always gentlemen. Yes, I must remember, times

have changed: alas, too, so have the Mission Fathers. Then, I must remember too, I am behind the times, and cannot keep pace with the slang and current literature of the day. I suppose I'm " gone with the wind " and must lament for the good-old days when all the world was fair. Are all these thoughts but the ravings of an old fogey, or do they help to answer the question, Why are our Parish Missions declining?

VICAR GENERAL.

HOW SHALL PRIESTS HELP IMPROVE THE HOME?

To the Editor, THE ECCLESIASTICAL REVIEW.

We are all agreed upon the importance of home training. There is positively no need for advancing arguments or quoting authorities to enforce the contention. All classes, all sects, grow eloquent when they turn to this theme. It is put before us every day. The pulpit everywhere, the press everywhere, every one professing to speak in the name of social betterment are heard from, and often. All kinds of organizations hold their regular meetings or assemble in conventions and invariably feel convinced that their program is not complete until one or many have expressed themselves upon this subject.

Whilst all this is going on, however, with every vigor conceivable, there is a consensus of opinion, equally widespread, declaring that in this generation the home has failed. Sad and lengthy are the sighs and plaints over its unquestioned decadence. Parents have no longer a true sense of their obligations. For one cause or another they are failing in their duty toward their children. The schools complain that their best efforts fail of results because no foundation has been laid in the home. Churches admit a falling off in attendance and fervor because the families of their congregations have never given the support which it is the province of a true Christian home to give.

And so we go on from year to year, recognizing the all-importance of the home, recognizing that it is failing to do its part, dwelling woefully on the awful consequences of this failure, making speeches, reading papers, writing editorials and in the end achieving nothing. *Evidently we have not yet found the remedy.*

Entertaining these convictions common to all, it would seem that a pastor of souls could find no work of zeal so fruitful as the amelioration of conditions in the homes of his people. Half of his time, it would seem, would be well spent in an endeavor to strengthen the home. And yet, what pastor is doing it? He may be among the most eloquent in emphasizing the great truth that everything depends on the home and meanwhile devote nine-tenths of his energies to the parish school and probably not one-tenth, or not any at all, to the home. This fairly describes what we are doing. We have no system of home building. If parents are failing absolutely in the discharge of their most sacred duties, our efforts at correction are probably confined to an occasional remark in the pulpit. If parents neglect to take any part in the religious instruction of their children, teaching them not so much as one prayer, we expect the sisters in the school to make up for it. Thus from year to year the home carries on in its neglectful ways, encouraged by our system to become more and more neglectful.

The energetic young pastor, fired with zeal to accomplish what every one claims is demanding accomplishment, will look in vain for guidance, one might say for even a suggestion. "I realize the necessity of doing something for the home," he will say. "I have time to give to it; I am ready to commence; who will tell me definitely and in detail what to do?" Books on pastoral theology abound. What assistance in a practical form will he find there? Over and over we have been given minute directions on other matters, on the administration of the sacraments, methods of instructing children and adults, means of making parish societies and organizations vigorous, instructions in handling finances, the course to pursue in our dealings with callers, with assistants, with housekeepers; and the rest of these topics. Meanwhile, this most important of all achievements—a parish made up of true Christian homes, parents recognizing the awful sacredness of their obligations and devoted to the fulfilment of these obligations—who will tell us what to do about it?

Shall we, as in the past, just continue talking and writing and be satisfied with a continuance of results, those results we are so ready to deplore, the gradual disappearance of the Christian home.

Our failure in this is lamentable enough. Our attitude, perhaps describable as negative, is, to say the least, not worthy of the highest commendation. What if our methods of procedure have positively tended to undermine the influence of home and parents? Let us not be too ready to resent the charge. Through a system which we have tolerated, if not encouraged, homes and parents have been deprived of opportunities of fulfilling their sacred duties. They have been made to feel that such duties would be looked after elsewhere.

With becoming horror we turn up our eyes upon hearing that Bolshevist Russia endeavors to have the school supplant the home. What about the children's Mass; the regular confessions and communions of children in which parents are precluded from taking the least interest; the school, contrary to the express injunction of Pius X, taking upon itself complete preparation for First Communion; morning prayer at the beginning of the school day; the school assuming to itself the task of teaching the most common prayers, a duty which, of all others, falls upon the parents, etc.?

In some cases—but, let us not forget, in some cases only—parish school teachers may see some justification in their conviction that certain parents are completely oblivious of these obligations. But will that justify us, pastors and assistants? Where such is the case, is it not most decidedly our duty to work for the parents' reformation? Can such parents save their own souls if we do nothing to raise them from their disastrous stupor?

Whether or not, therefore, some one will come forward and tell us how to proceed on a program of home building, home improvement, this at least we can do—have no part in furthering practices, systems, activities which tend to undermine home influence and activity.

M. V. KELLY, C.S.B.

Detroit, Michigan.

THE STAR OF DAVID.

Symbols are things that speak to us in language we can never fully comprehend. The thought of the vitalizing influence of them has come to me like an illumination, especially while contemplating the Star and the Cross. It is good to " hitch your wagon to a star," though it should be the Star of Bethlehem, for it leads to the Cross that elevates man to a moral height that the transcendentalistic star of Emersonianism never could attain.

The Star is the symbol of Judaism; the Cross, the symbol of Christianity. One represents the coming of the Messiah; the other, the price paid in atonement for the sins of the world by the Son of David.

The star also typifies the astronomical sign of the place in which Christ was born, the sign that led the kings to the birthplace of the King of kings. It is therefore most fitting for Christians to use it during Christmas time to announce to the world that the " Bright Morning Star " has come, for Jesus Christ is the True Star who fills the world with His brightness.

The star typifies the House of David from which the Messiah was to come. Jews call it the " Magen Dovid ", the " Shield of David ". *It is a six-pointed star.* Some ancients held that it represents the signature of King David, as " the three letters —Daled, Waw, Daled—by extension compose a double triangle". The New Merriam Dictionary calls it Solomon's seal and defines

it as " a mystic symbol consisting of two interlaced triangles forming a star with six points, often one triangle dark and one light, symbolic of the union of soul and body ".

The six-pointed star is as certain to be found on synagogues as the cross is to be found on Catholic churches. Being of Hebraic stock, the symbolism of Judaism being part of my nature, though God has interwoven it in me with the cross, I may be permitted to say that the use in our churches of any but the six-pointed star has offended me during my whole life as a Christian, especially during Christmas time.

The five-pointed " star ", generally used in our churches, is declared by heraldry not to be a star: it is called a mullet. The star of heraldry is a six-pointed star. Long before I was blest with an appreciation and love of the cross, the star, made up of two triangles, was to me like Jacob's ladder, one triangle representing ascending prayer to God, the other triangle the blessing coming down from the throne of God.

The symbolic star of Judaism is as rightly the religious property of the Church which the Son of David established, as is the Old Testament in which Balaam foretold the coming of the Star of Jacob at the time when the sceptre, the regal power and sovereignty of Judaism, shall be broken. It is the property of the Church, though not to the exclusion of Jews. By recognition of the fact that the sceptre of their nation has been broken, that the Star had already appeared in all its brightness and glory, the lost sheep of the House of Israel may once more be chosen children of God, members, shareholders, in the Spiritual Kingdom that the Son of David, born under the Star of David, brought into existence to take the place of their destroyed and never-to-be-rebuilded temple.

The universal use of the six-pointed star by Catholics would be a symbolic appeal to Jews. It would say that we are one with them in honoring the House of David. When used with the cross it would be a reminder that the star is an historic star, that it cannot be rightly used to express the hope of the birth of the Messiah in the House of David, as He had already been born therein. Besides, there is no House of David in existence today in which a Messiah could be born.

My hope is that the star intertwined with the cross will some day be used in our churches as a symbolic appeal to Jews. It

would be an appeal to Jews to come into the Church of their Messiah and share in the inheritance of the faith which their highly honored fathers foretold would be given unto them if they understood, accepted and lived up to the things foretold. They—the star and cross—are a reminder that the arms of the Son of David whom the sins of the sanhedrin and its misled followers had nailed to the tree, are outstretched for His kith and kin.

An added reason has lately been given for using the double-triangle with its six points for our Jewish-Christian star. It is the use of the mullet, with its five points, as the " star " of the enemy of the Messiah whom the star and the cross symbolize. Article 143 of the New Constitution of the U. S. S. R. declares that " above the emblem (the state emblem of the Union of Socialist Soviet Republics) is the five-pointed star ". I have no authority to speak for others, but for myself I may say that the six-pointed star will continue to mean religion and the " five-pointed " star, Marxian irreligion.

In these trying times when God seems to be chastising the children of Israel for denying their King, were it not well to help symbolically the remnant of Israel in their affliction by endeavoring to rally them for the spiritual Zion of the Son of David, whose star and cross symbolize hope and its realization?

DAVID GOLDSTEIN.

Boston, Massachusetts.

THE LAITY IN CATHOLIC ACTION.

To the Editor, THE ECCLESIASTICAL REVIEW.

We know that our Lord gave to His apostles and their successors the commission to preach the Gospel and to be the sole dispensers of the sacraments of the New Law. This, however, does not prevent the Catholic laity of to-day from responding in full measure to the clear call of Pope Pius XI to coöperate with the hierarchy in its apostolic mission. An almost prophetic understanding of the needs of the Church in the modern world motivates the Holy Father's appeal for the proper coöperation of the laity with the hierarchy. Pope Pius sees with sure vision the basic issue of our age: " For God or against God; this once again is the alternative that shall decide the destinies of all mankind."

With diabolical cunning the age-old enemies of Christ and His Church seek to drive wedges of dissension between the clergy and the laity. The propagation of the idea that in some unexplainable manner the Catholic religion is one thing, and "the Church" another, is really old strategy, although it may be comparatively new strategy in America to-day.

The call of Pope Pius to the laity to marshal for Catholic Action under the hierarchy gives practical emphasis to the fact that the Church consists of both hierarchy and laity, and that the Catholic cause is the cause of all who kneel before the altar of the Faith.

The effective use of the forces of an organized, informed and prudently zealous laity is of vital importance to the advancement of the Catholic cause in America. While the call of Pope Pius is directed to the laity of all countries, this call seems to apply with special emphasis to the laity of America. Here it may be pointed out that a response by the laity to this call of the Vicar of Christ should give no grounds for fear that the laity would, by marshaling themselves for Catholic Action, according to the mind of the Church, seek to intrude upon those spheres of teaching and of government which belong by divine institution to the bishops and the pastors, alone. The Holy Father evidently has in mind a spontaneous uprising and consolidation of the Catholic spirit and tradition, as a bulwark to the Church, and to what is left of Christian culture in the world to-day. The Catholic spirit is essentially one of obedience to the Church and of voluntary and loving submission by the laity, to those who are her lawful rulers and teachers. It would seem hardly possible that the violent anti-Christian forces which have recently made such swift and destructive advance in Catholic countries could have done so, if in those lands the laity had been in active, organized participation with the hierarchy in its apostolic mission.

Of course, every Catholic is called to coöperate actively with the Church in her work of salvation by the personal sanctification of his own life, and thus by example to give a powerful testimony for Christ. Many, however, among the laity may rightly proceed from this foundation of a practical Catholic life to more positive work, in coöperation with the hierarchy. This

is what the Holy Father undoubtedly has in mind, in order to meet to particular conditions of our age.

In America we have a growing number of convert ministers and other laymen of education, intellectual ability and sound religious zeal. With the proper encouragement and direction these laymen could, no doubt, become effective auxiliaries to the Church. There are many directions toward which such trained lay action could be focussed. Since the present writer has been a Catholic, he has found it possible to appear before various non-Catholic audiences of different denominations with messages of Catholic truth: and also to secure the publication of many articles on Catholic teachings in a number of non-Catholic religious as well as secular publications. These personal activities are here mentioned merely to show that diverse opportunities for presenting Catholic teachings are to-day open in spheres formerly considered closed to the message of the Church.

It is not for the present writer to suggest what steps might be taken to utilize more fully the forces of the laity, and to train and direct those laymen who are ready and anxious to respond in full measure to the call of the Holy Father to become, to use Pope Leo's words, " living echoes of their masters in the Faith ". It is sometimes said that the Catholic body in America does not produce its Chestertons and Bellocs, and that too many of our talented laity aspire to leadership in the political sphere, whereas with proper facilities for their training and supervision many could doubtless become Catholic writers, lecturers and controversialists of the first order. By the fuller use of the forces of the laity, under the direction of the hierarchy, the Catholic culture, so vital to the future well-being of America, could be thrown more powerfully into the everyday life-stream of the nation, that all our countrymen might know, in form and language that they could understand and appreciate, that the Catholic Church stands for those moral principles which are basic to true human happiness, and also to real civilization.

WILLIAM F. KERRISH.

Brookline, Massachusetts.

VIATICUM WITHOUT EXTREME UNCTION.

Qu. At times a person appears to be dangerously ill, but the doctors are not sure, or sometimes will not admit the presence of danger until it is almost certain that the person will die. He would like to receive Holy Communion, but owing to a fever and the like he cannot remain fasting. He has not been sick a month. On the other hand he would become terribly nervous, perhaps hysterical if the priest were to suggest the reception of Extreme Unction. May a priest give such a person Viaticum while postponing the administration of Extreme Unction?

Resp. If a person is so sick that there is reason for fearing that he may succumb to his illness, he may be given Viaticum, even if Extreme Unction is not administered at the same time.

But it is hardly proper not to administer Extreme Unction at the same time. For the conditions for valid and lawful reception of this sacrament are likewise present.

Very rarely will there be cause to fear undue excitement or even hysteria when a priest suggests that a sick person should receive Extreme Unction. On the contrary the experience of priests and of doctors, Catholic as well as non-Catholic, testifies that proper preparation of a Catholic patient for death has rather a soothing effect upon the patient. The reason is not hard to find. One of the effects of Extreme Unction—secondary it is true, but nevertheless very real—is the health of the body. Theologians, however, teach that this is not to be understood as something miraculous or even a recalling from the very threshold of death. They urge as early a reception of the sacrament as its nature permits, in order that it may more likely contribute to the patient's physical well-being.

No priest should permit himself to be deceived by false fears. Only in very exceptional cases do such fears seem to have justification. Earnest but calm explanation of the benefits of Extreme Unction will generally soothe nervous persons, just as a general instruction of the faithful in sermons and the like will anticipate such dread of so wholesome a sacrament.[1]

VALENTINE T. SCHAAF, O.F.M., J.C.D.

Catholic University of America.

[1] Cf. A. J. Kilker, *Extreme Unction* (Washington, 1926), pp. 35-38. Cf. also the chapter on "The Obligation of the Minister", p. 103-120.

CRUSADE FOR MORE FRUITFUL PREACHING.

To the Editor, THE ECCLESIASTICAL REVIEW.

More fruitful preaching is the aim of a new crusade. A number of educated laity, who have studied conditions in Europe and in our own country, have found that the pulpit is the ultimate external factor in awakening the slumbering energies of our Catholic people to bring the wave of indifferentism, irreligious nationalism and Communism to a halt.

In too many of our churches there is a tendency to eliminate the Sunday sermon. In many cases there are poor sermons, obviously unprepared. A number of fine Catholics, harrassed by the thought that what has happened in Mexico, Spain and Germany may also happen in this country, have begun a "Crusade for More Fruitful Preaching". They have bound themselves to say a prayer each day for that intention, and the prayer has received the *Imprimatur* of the Cardinal Archbishop of New York.

Recently, I received a letter from one of these Crusaders whom I know quite well. It stirred me to such an extent that I am sending, herewith some extracts, with the suggestion that they be published. It may be very helpful to religion.

MICHAEL HEINLEIN, O.S.B.

Newton, New Jersey.

Dear Pulpit:

I know I am old—almost 1900 years in fact. I know I have many limitations. But "insensibility" is not one of them. I can hear and see; I can feel and know when I am cold, and—I can think. I have thought a long, long time, and have reached a few conclusions. And as I love you, and it is my lowliest hope that, you love me, is it asking too much of you to listen when I speak to you?

The Divine Master said that on the Judgment Day we will be condemned if there are those whom we left naked, anhungered or athirst. Dear Pulpit, will you also be condemned for this want of love? Or is it only the Pew that falls under this legislation of the Master?

St. Paul tells us to "put on the armor of light". I look to you for it, but you were so busy talking about the next bingo party that you forgot about my "armor". We are told to "have on the breastplate of Faith and Charity, and for a helmet the hope of salvation," but you were berating me because the Interest Collection was $100 less

than last year. I need too the inner garment of grace, but you thought it was too hot that Sunday to preach: so I was left naked.

I was in prison and you did not visit me. I was in the prison of doubt and fear and behind the bars of temptation. You had so many notices to read and you had to take up three collections, so that you did not have time to preach. All that week I suffered the tortures of those who are not free; whereas, you could have liberated me.

I am hungry for love, for sympathy and understanding, but you stand so aloof that I fear you. I want to come closer, to tell you how I battle six days of the week with irreligionists, the ignorant, the godless. I thirst for truth. I need to drink at this fountain if I am to be filled with Christ and strengthened for the combats with heretics and false philosophers.

So, in fairness, I ask you, dear Pulpit, if you have not clothed me nor fed me, nor ransomed me, what will be your judgment on that great day when all shall stand before the judgment seat of God?

THE PEW.

FEMALE HEADDRESS IN CHURCH.

Qu. In these days when it is the custom of many women and the majority of young girls to go about, at least during the summer months, without head covering, what, may I ask, is to be the attitude of the priest when they come to the church for private devotion with heads uncovered? Is he to insist that they at least place a handkerchief on the head while visiting the Blessed Sacrament, and in lieu of some head covering omit their devotions; or is he to consider the admonition of St. Paul to the Corinthians on this subject (whence I dare say the tradition of the Church in this matter is derived) as intended for the peculiar conditions of time and place then existing, and for any reasonable cause may be disregarded?

I have limited this query to the case of those who come for private devotion, because I believe it is rare that they come to Mass or other public devotions without proper head covering.

Resp. Canon 1262 § 2 reads: "Viri in ecclesia vel extra ecclesiam, dum sacris ritibus assistunt, nudo capite sint, nisi aliud ferant probati populorum mores aut peculiaria rerum adiuncta; mulieres autem, capite cooperto et modeste vestitae, maxime cum ad mensam Dominicam accedunt."

In 1876 the Master of Ceremonies of the Archdiocese of Ravenna, proposed the question whether women assisting at sacred functions or praying privately at a latticed or grilled

window looking into the church are required to cover their heads. The reply was "*Affirmative*". (S. R. C., *Ravennaten.*, 7 July, 1876, ad IV.) Seven years later, the Sacred Congregation for the Propagation of the Faith, referring to the practice obtaining in Pekin and Hong Kong of women assisting at sacred functions without head covering, directed that the use of headdress be introduced gradually. (S. C. de Prop. Fide, instr. ad Vic. Ap. Sin., 18 October, 1883, N. xv.)

From the above it would appear that it is the mind of the Church that the apostolic precept be carried out strictly. This legislation is very old. The so-called Canons of Hippolytus (Canon 97) directed that women were to be carefully veiled;[1] the Apostolic Constitutions (Book II, Ch. 57) say, let the women approach with their heads covered, as becometh the rank of women.

Just what constitutes a proper head covering apparently has never been defined. Tertullian in his treatise *De Virginibus Velandis* held up for admiration and imitation the Arab women who so covered the head and face as to leave only one eye visible. He was especially severe on those who wore a simple band or fillet which did not cover the top of the head; or laid a slip of linen on the top of the head. Tertullian's rigorous views were not those of the Church at large, however, and as a general rule Christian women have worn the headdresses of their country and station in life.[2]

SENDING RECORD OF CONFIRMATION.

Qu. Would the neglect of a pastor to send the names of those confirmed to the pastor of the place where they were baptized constitute a *peccatum grave contra canones?*

Canons 470 § 2 and 798 impose upon the pastor a grave obligation of entering the Confirmation of everyone in the baptismal register. Cappello says: "Obligatio . . . est certe gravis et quidem personalis, ut diximus loquentes de Baptismo (n. 188,

[1] *Liturgy of the Ante-Nicene Church*, F. E. Warren, London, 1897. See also Fouard's *St. Paul and His Missions.*

[2] *Dictionary of Christian Antiquities*, edited by Smith and Cheetham, Hartford, J. B. Burr Publishing Co. 1880.

3)." [1] If there is a grave obligation of recording the reception of Confirmation in the baptismal register, there is also the corresponding grave obligation to inform the pastor of the place where the confirmand was baptized of the fact that the latter has been confirmed, so that this fact can be recorded in conformity with canon 470 § 2.

VALENTINE T. SCHAAF, O.F.M., J.C.D.
Catholic University of America.

A RETREAT FOR PRIESTS IN STRICT SILENCE AND SECLUSION.

During the past five years in Canada there has been a movement toward strictly closed clerical retreats of longer duration than the regular diocesan retreat. These retreats are not meant to supplant the annual retreat, but are merely a means of supplying for those priests who desire it, a more intensive period of solitude and reflexion on the Eternal Truths.

The results obtained thus far amply repay the efforts of those responsible for the movement and serve as a recommendation that the retreats be adopted more universally. Already one Cardinal (Cardinal Villeneuve of Quebec), the Apostolic Delegate to Canada, fourteen Bishops and more than 2,000 priests have followed the exercises of the retreat. All return enthusiastically proclaiming it to be a revelation in their spiritual life. Any attempt to give an adequate idea of what the retreat is like must of necessity meet with failure. It is only under the influence of solitude and silence that the truths can be grasped by the mind. Those who have made the retreat can merely say to those who inquire about it—" Come and see ".

The retreat master is a Jesuit missionary who spent more than eleven years with the Esquimos. In the solitude of the frozen North he learned in a most practical manner the ways of God. It is this knowledge that he imparts to those priests who are fortunate enough to hear him. Father Lacouture preaches, in both French and English, retreats that last for eight full days. Each year is taken up with a continuous round, one retreat beginning as soon as the preceding is finished.

[1] *De Sacramentis*, (2. ed., Turin: Marietti, 1928), I, n. 221, 4.

Recently Archbishop Curley of the Archdiocese of Baltimore was approached and petitioned for permission to organize such a retreat in the Archdiocese and invite Father Lacouture to preach it. The Archbishop consented and the Sulpician Fathers offered their House of Studies in Washington for the retreat. In the Fall of this year the first retreat will be preached and will open on the evening of the 9 September and close on the morning of the 18 September.

All priests, both regular and diocesan, are invited to make the retreat and may make reservations by writing to the Rev. Father Superior of the Sulpician Seminary, Brookland, D. C.

Use testimonials if you deem it wise.

J. JOSEPH EGAN.

Baltimore, Maryland.

Book Reviews

THE SIMPLE CONVALIDATION OF MARRIAGE. By Rev. James H. Brennan, J.C.D. Washington, D.C.: The Catholic University of America. 1937. Pp. 135. Price $2.00.

The " marriage case " which the average parish priest meets more than any other in his work is the simple convalidation. So far as we know, Dr. Brennan's book is the first study of this important subject to appear in English.

In his Foreword, the author states that he has endeavored to explain the Canon Law which regulates and governs simple convalidation with a view to overcome the major practical difficulties incidental to its use. He takes special pains to distinguish between simple convalidation and the *sanatio in radice.* Dr. Brennan begins with an explanation of the nature of simple convalidation and a short history. He then takes up the renewal of consent, its nature, necessity and the various kinds. The next chapter treats of convalidation following a diriment impediment; the removal of the impediment and the renewal of consent after a public and an occult impediment. Convalidation following defective consent, defective form, and in extraordinary circumstances is discussed in three short chapters. A short chapter is devoted to the validity of the marriage and the legitimacy of offspring, and the final chapter takes up the practically important subject of convalidation in American civil law.

This book is eminently practical. Dr. Brennan has made no attempt to produce a piece of literature, but he has endeavored to make his " masterpiece " a correct and practical study of his subject, and he has succeeded in producing a volume that will be welcomed by parish priests. The practical writing and the practical theme will undoubtedly combine to exhaust quickly the limited edition.

SOCIAL MESSAGE OF THE NEW TESTAMENT. By Heinrich Schumacher, D.D. Bruce Publishing Co., Milwaukee. 1937. Pp. ix+228.

Much has been written during these recent years of social and economic distress about the social teachings of Christianity, but only too infrequently do such writings present and analyze the very words of Christ's social teaching. Dr. Schumacher's new book, however, does this very thing systematically and with a conciseness that shows the master hand of the competent scholar, thoroughly familiar with the teachings of the New Testament.

The writings of the New Testament are, of course, not a textbook of Christian sociology but many readers of Dr. Schumacher's book will be astonished at the completeness and the range of the social principles to be found in the very words of Jesus and his Apostles. Many readers, too, will be struck forcibly by the timeliness and validity of the social message of the New Testament for our own day. Again the book will show many readers how far the sociological teaching of some who profess to be Christians has strayed from the actual social principles of Christ. These merits of Dr. Schumacher's new book make it outstanding and noteworthy. In it all the New Testament texts that apply to social problems have been gathered and logically arranged and explained. They are then presented to the reader so that the social message of the New Testament is strikingly and forcefully revealed in the words of the New Testament writings themselves.

Part I of the book presents the *Social Message of Christ,* of His example and of His teaching. After briefly setting forth the social message of Christ's example from His life, the book passes to a detailed exposition of the social teaching of Jesus. The redemptive work of our Saviour consisted in giving to man a "New Life" and in the "Creation of a new society with a new life in union with Christ", as the author points out. He then shows how the essential elements and fundamental values of society, human personality, the family, the state, material goods, etc., are appraised in Christ's teaching and revaluated in Christianity to effect this "New Society". Part II examines the social teaching of the Apostles and shows how deeply they and primitive Christianity had assimilated the Master's teaching on the various phases of social living and how, as a consequence, "a small group of Apostles started the transformation of the world by their unshaken belief and strict imitation of Christ two thousand years ago." This section also abounds in rich and extensive quotation from the New Testament.

The conclusion, *Social Crisis and Catholic Action* points out that what the Apostles and the first Christians accomplished, a small group of real followers of Jesus, real Catholics again must do today. To them the author directs the challenging injunction, "Christianize the conscience of humanity and the world's problems are solved." Finally, an appendix on the *Social Message of the Church* shows, by quoting the encyclicals, how the Church today remains true to the New Testament in its teaching.

A comprehensive index and terse marginal captions throughout the body of the text make for ready reference.

The importance of the book is that it points out the only way the problems arising out of our modern neo-paganism are to be solved because in many ways these difficulties are the same as those Christ

and His followers met in Graeco-Roman paganism, and for the reason that Christianity still has the same principles and the same Divine power to put them into practice.

THE CRUSADES. By Hilaire Belloc. Milwaukee: The Bruce Publishing Company. Pp. x+331.

Hilaire Belloc may never discover new fields, but he continues to find refreshing vistas in the old. It was inevitable that he would eventually write a book devoted to the Crusades: no other student of the subject (even were Chesterton still living), could quite so absorb the ardor of the medieval knight and crusader.

Unfortunately for us, he constrains himself on two sides when faced with the teeming panorama of his subject. His particular interest is restricted to the field of military science, a neglected aspect of the Crusades. The science itself is no new field to him, for long before the post-war popularizers, he had introduced the casual reader of history to this romantic ingredient, and added that field to his literary estate.

His second constraint is more arbitrary. To Belloc there was only one Crusade worthy of the name, the First or Great Crusade, and it endured, not from 1095 to 1099, which marked merely its initial success, but from 1095 to 1187, the latter date marking the fall of Jerusalem to Saladin. The Second Crusade (1147-1148) was merely an "effort at reinforcement" (p. 5). The Third and following Crusades "were true Crusades no longer" (p. 7), and are consequently not treated in the volume. His reasoning cannot be accepted, if this be it: "There was, indeed, but one Crusade, that of which I have sketched the main outline in this book: it was the great breaking out of all western Europe into the Orient for the rescue of the Holy Sepulchre, and within one very long lifetime it had failed; for with Jerusalem in the hands of the Infidel the purpose of the original great campaign was gone, its fruits were lost." (p. 314). With Jerusalem in the hands of the Infidel the purpose of the original great campaign *returned,* and the other Crusades followed.

The central theme of the work, too often repeated without variations, is a tactical one. Our earliest history goes back to Mesopotamia and Egypt, and the historic "fertile crescent" which joins the two. This crescent was now a Moslem crescent uniting the Mohammedan worlds and its star was Damascus. While the Saracens held Damascus the crescent could not be shattered and the worlds divided. The Crusaders neglected this stroke and were finally encircled.

The body of the work is historically strong, though as usual, Belloc omits all critical apparatus. The introductory chapters with their disconcerting generalities are weaker. It is surprising to find the period from 300 to 1000 described as the "Dark Ages" (pp. 11, 18, 34) and the Middle Ages beginning in the year 1000 (pp. 12, 18). Certainly the Roman Empire was not "converted to the Catholic Faith in a period of three centuries: from about A. D. 30 to A. D. 330" (p. 11). Federated armies from the borders of the Late Roman Empire were not "recruited for their cheapness" (p. 11, 38), but because the Empire found that federation was the safest way to avoid border attacks. A passage on page 53 is, perhaps, Belloc at his worst, as historian, military scientist, and stylist. "But at the time when the whole of the ancient world was changing, that is in the third century A. D., one of the main revolutions was the increasing preponderence of the mounted man in war. The main cause of this was the social degeneration which marked the last generations of paganism. All sorts of other causes have been imagined, and of course that worst of all bad history, the imaginary conquest of the Roman Empire by outer invading barbarians—a thing which never happened nor could have been within a thousand miles of happening—played its part in the group of false arguments. But, I repeat, the main cause is plain before one's eyes for anyone to judge; cavalry became increasingly important as the discipline and coherence of society grew less."

An interesting parallel is drawn on pages 31-46 between economic conditions in the days of the Crusaders and our own. A convenient index directs the reader to other valuable studies in the work.

What is hoped will be a telling lesson, combined with a remarkable prophecy, closes the book. "We have returned to the Levant, we have returned apparently more as masters than ever we were during the struggle of the Crusades—but we have returned bankrupt in that spiritual wealth which was the glory of the Crusades. . . . We are divided in the face of a Mohammedan world, divided in every way—divided by separate independent national rivalries, by the warring interests of possessors and dispossessed—and that division cannot be remedied because the cement which once held our civilisation together, the Christian cement, has crumbled.

"These lines are written in the month of January, 1937; perhaps before they appear in print the rapidly developing situation in the Near East will have marked some notable change . . . Nor does it seem probable that . . . Islam will be the loser." The week of July 4, 1937 saw the report of the Royal Palestine Commission approved by the British Government. It sets up an autonomous Arab kingdom in Palestine and Transjordan of 23,000 square miles.

A HISTORY OF THE CATHOLIC CHURCH. By the Rev. Fernand Mourret, S.S. Translated by the Rev. Newton Thompson, S.T.D. Volume Three. B. Herder Book Co., St. Louis, Mo. 1936. Pp. x+598.

Like its predecessors, the third volume of Thompson's translation is written in a clear and simple style. The reader's interest is held by telling and life-like narratives.

This book begins with the Fall of the Western Roman Empire in 476 A. D. It closes with the coronation of Otto I., in 962 A. D. The imprisonment of Romulus Augustulus, in 476 A. D., was an incident of so little importance, that it scarcely merits the distinction of beginning an historical epoch. As an event of profane history, it was merely the result of factors which were working, with greater and more evident effectiveness, as time rolled on, since the reign of Diocletian. The Roman Empire under Honorius was hardly less decadent than it was under Romulus. All it needed was a *coup de grâce*. In church history, as well, the downfall of the last Roman Emperor of the West, had little or no consequence. Casting its shadow far into the future, the baptism of Clovis, twenty years after Augustulus, seems to be a more salient fact.

The bibliography is rather incomplete. The names of Allies and Fortescue are missing. The historian will search in vain for many works, among them Hodgkins' *Italy and her Invaders*, and for Winnibald of Mainz's *Life of St. Boniface*. Robinson's translation of the latter work might have been mentioned. How Schnuerer's work on *The Church and Civilization in the Middle Ages* was skipped, is a bibliographical mystery.

Though the strict chronological order of Mourret's History will delight the casual reader, more reflective persons will find that it is sometimes accompanied by certain faults. This style of writing tends to limit the author's freedom to give the proper emphasis when necessary. The historian knows, that, when he writes as a chronicler, he is liable to incorporate events of minor importance in his record. Students will notice that Mourret's forest sometimes hides in the trees, and will feel themselves confronted by a sort of cavalcade in which the smaller fry ride by the sides of the illustrious. The annalistic manner of writing history permits, too, the scattering through the work of significant, related facts. A complete idea of Photius is obtained only after consulting the index's thirty-seven references. One closes the work with the impression that, were the author, while preserving the chronological order, to introduce a more topical arrangement, wherever possible, he would place the valuable material contained in his work, within the easy reach of thankful students and teachers of Church History.

MES CONFERENCES SUR LES GUERISONS MIRACULEUSES DE LOURDES. By Docteur Auguste Vallet. Pierre Téqui, Libraire-éditeur. Paris. 1937. Pp. xiii+267.

Of books about Lourdes there is no end, and, please God, there never will be. The bibliography on the subject, for and against the Faith that the word signifies, has become vast with the years. Breathes there the priest who does not possess some of these works, who has not given his own conferences on this absorbing topic? To him is recommended, and to all devotees, this latest volume by the president of the Lourdes Medical Bureau. It is recommended because it brings the record up-to-date. There is little new but the miracles, as numerous and astounding as ever. It is thoroughly scientific by a medical man of faith and, withal, readable, though not of the So-You-Are-Going-to-Lourdes type.

Dr. Vallet is carrying on the work of Dr. Marchand in giving to the world, scientific and lay, the conclusions of the medical men, Catholic and non-Catholic, who testify each year at the Bureau (705 registered in 1936), and the testimony of the Catholic doctors who belong to the International Medical Association of Our Lady of Lourdes. In 1936 this association comprised 2,387 medical men in twenty-one countries. This is the third report in Dr. Vallet's ten years of service. Noticeable is the strengthening of scientific methods as the years, the progress of science, and the attacks of detractors, teach their lessons.

The volume has been made more valuable by the addition of the conferences which Dr. Vallet has been giving lately in various countries of the world on the medical mechanism of validating a reported cure.

A third section of the work reports an interesting cure, typical of many, which can not be reported as miraculous since " the case was of disputable interpretation, given the actual state of our knowledge." An appendix provides us with the statutes and present officers of the International Medical Association of Our Lady of Lourdes.

The volume—it is illustrated—is already in its second edition.

DEUTSCHE GESCHICHTE IM NEUNZEHNTEN JAHRHUNDERT. By Franz Schnabel. Volume Four, Die religioesen Kraefte. Herder & Co., Freiburg im Breisgau. 1937. Pp. xii+617.

Die religioesen Kraefte completes Schnabel's account of the nineteenth century. His purpose is to present, in broad outline, a biography of European man. He further offers an historical explanation of the present position of European culture, and of that of Germany in particular.

The religious facts and factors, present or operating in Germany in the nineteenth century, are more carefully and completely described in the present work, than in any preceeding work on the same subject. Goyeau's *L'Allemagne religieuse* came closest to the present work's exhaustive inquiry, but this is now out of date as far as the history of Catholicism is concerned, and morever, did not treat of the history of Protestantism in a satisfactory manner.

The title of this history, however, is misleading. It treats of scarcely half the century, ending with the March Revolutions. With the triumph of Liberalism, however, the main factors operating in Germany throughout the century were present.

The author carefully notes the religious difficulties caused or occasioned by Liberalism, the development of experimental science and technological progress. But the development of the Church was largely exterior, and her struggles mostly political. Schnabel's history of Protestantism discloses an increase of social prestige and an intellectual development in that religious group.

In the seventeenth century Germany experienced a widely felt revival of Catholic life. On the Protestant side, Pietism tended to deepen religious feeling. In the eighteenth century, however, neither Catholicity nor Protestantism was able successfully to check the progress of the *Aufklaerung*. German literature from Herder to Goethe was purely naturalistic. Neither the attacks of sceptics and atheists, nor the terrors of the French Revolution, could shake man's belief in the infallibility of human reason and in the dead certainty of human progress. Liberalism adopted the shibboleths of the *Aufklaerung*.

As the nineteenth century grew older Humanitarianism began to wane as experimental science developed relativism, and the quickened tempo of commercial life turned men from speculation to action. Disillusioned humanitarians joined the rapidly growing ranks of unbelievers, whose only creed was democracy. The Catholic *Illumination* was not bright enough to attract the harbor-seeking castaways of the *Aufklaerung*. With the coming of the twentieth century, humanitarianism was regarded as old-fashioned, by a majority which had ceased to believe in absolute ideals.

In the period treated by Schnabel, one finds many abuses in the Church. Young men held benefices until they contracted suitable marriages. The bishops were to a large extent merely state functionaries. Bishops on visitation were accompanied by lay officials. Many churchmen were worldly, some were unbelieving. Among the *ornaments* of the faculty of theology of the University of Freiburg were two unbelievers. Intercourse of bishops with Rome was subject to the complete control of the state. Worthy ecclesiastical superiors

and orthodox theologians had their characters and doctrines maliciously besmirched.

The philosophy taught in Catholic schools in this period consisted of remnants of Scholasticism, compounded with doctrines borrowed from Descartes and Leibnitz. Hermes endeavored to produce a modern theology by adapting the doctrines of the Scholastics to the tenets of Kant and Fichte. The sacred sciences developed the Golden Age of lay theologians. Stolberg, Goerres, Brentano, Baader and Schlegel are typical unordained divines.

One may speak of a renaissance of Catholicism in the period prior to the March Revolutions, among the inferior clergy and in the religious orders. These sparks were fanned by the Catholic writers mentioned above, by the followers of Clement Hofbauer, and of Werner, Schlegel, Sailer, Overberg and the Princess Gallitzin. One should bear in mind that the forces and achievements that give the nineteenth century its character were purely material. Affecting secular life so little, the faith of the century was colder than that of former ages. The heresies of this period were of minor importance. They lacked the theological rancor that distinguish their predecessors.

The Protestant church travelled the down-hill road of disintegration and secularization. The increase of members was due to the growth of the general population and to mixed marriages. Pietism failed because it could not make a sufficiently deep impression on the common people. Rationalistic Protestantism was accompanied by a general waning of faith. Schnabel cites instances of churches being closed because the congregations neglected to attend. In many places church members were dissatisfied with the poor service given by their ministers and many aspirants to the Protestant ministry openly expressed their desire to acquire the leisure and salaries of ministers, in order to be able to pursue secular careers.

The upheavals caused by Liberalism conjured up dark presentiments in the minds of Catholic thinkers. Goerres expressed his grave doubts as to whether men were on the right track. He thought that popular unrest in Europe would result in the triumph of democracy, which in turn would lead to military dictatorship. The foundations of Christianity would then, he believed, be threatened. The diplomats of Berlin turned to Russia, as to a bulwark against the coming Revolution of the masses. More penetrating Catholic thinkers, like Goerres and Donoso Cortés, prophesied that the Revolution would start in Russia.

Extreme nationalists, like Turner and Burschafter, anticipated the paganism of Adolph Hitler. Enthusiastic admirers of ancient German valor, they held that a return to Gothic gods and religious practices would bring back lost Teutonic fortitude.

Schnabel has performed a remarkable service in turning the almost countless number of historical monographs treating of phases of the period about which he writes, into a readable and well documented book. The professional historian as well as the general reader will have many happy hours with Schnabel. His *Deutsche Geschichte* is one of the foremost productions of modern historical science, on a par with the achievements of Ranke and Treitschke.

LES TRAPPISTINES. By Yvonne Estienne. Paris: Desclée de Brouwer. 1937. Pp. 396.

If a Trappistine could secure two very rare permissions from her superiors, one to write a book and the other to visit sister-convents, this would be her book. In her stead, a devoted friend, Mlle. Estienne, has performed the task admirably, the task of making known to the world the history, ideals, and accomplishments of this ancient order.

The order is ancient, despite the present popular appellation of " Trappistines ", a name going back but one hundred and fifty years. Claiming a spiritual descent from St. Benedict and founded actually in the twelfth century as the feminine counterpart of the Cistercian Order, it answers to the various names of " White Benedictines," " Bernardines," " Cisterciennes," " Cisterciennes of the Strict Observance," " Reformed Cisterciennes," and " Trappistines."

The other-worldly reserve of this strict order alone accounts for the previous absence of a public record devoted to its rich Christian heritage. Even Mlle. Estienne's account will disappoint the scholar seeking a " definitive work ", for, imbued with the Cistercian spirit, the intellectual is subordinated to the devotional. She is writing for those people of the world who are " concerned with their souls ", and believes apparently that a bibliography and learned notes would be a hindrance. Yet, surely her invaluable references could have been made more definite, especially the quotations from unpublished monastic archives. Spirituality has not suffered from the scientific touch of Dom Wilmart, and the Abbés Vernet and Pourrat.

The volume is divided into three parts, historical, spiritual, and the place of the order in the world of to-day. The first is weak and scanty, the second is strong and exhaustive, the third clear and practical.

The debt to St. Benedict, St. Benedict of Aniane, and Cluny is touched upon. The foundation of the order by Elisabeth de Mailly in 1125 at Tart—near Citeaux in time and place—and the tremendous influence of St. Bernard receive more attention. The golden age of the order followed with nine hundred monasteries and the saints Gertrude, Mechtilde and Lutgarde. Then came the decline, with

Port-Royal des Champs as an example, and reform. The dispersion at the time of the French Revolution was almost extinction, but the spirit of de Rancé and La Trappe revived the remains. To-day there are twenty-six houses; two of which are in Canada, and two in Japan.

Historical blemishes are the statements that St. Benedict read all the Eastern Fathers; that Cluny was born of the monastery of St. Benedict d'Aniane; that the rule of St. Benedict was the only rule of the Occident in the seventh and eighth centuries, and to quote "Saint" Dionysius the Areopagite.

The absence of an index hinders the student, but not the reader, from making full use of Mlle. Estienne's treatment of Cistercian spirituality. It is well and reliably documented, says the Abbé-General of the Order in his prefactory letter, an approbation which is reassuring. The principal sources are the Rule of St. Benedict, the writings of St. Bernard, the Cistercian *Directory*, the Trappist *Us*, and the menologies of the Order.

Points of particular interest in this revelatory work follow. The unselfishness of Cistercian sanctity is shown in the four objectives of the contemplative's piety; three of them concern us in the world. Lay-brothers were at one time a component, though segregated, part of the conventual economy. Surprisingly little time is given to private prayer. The religious sleep in their habits. Their day begins at 2 o'clock in the morning. Not only public self-confession, to a limited degree, is practised, but public accusation of fellow-religious likewise. The sign-language used in place of speech includes the universal signs of rubbing the chest to signify something good, and holding the nose to signify something bad. Though male visitors may visit Cistercian monasteries, female visitors may not penetrate into the cloister of a Cistercian convent.

The *littérateur* will read with interest that Huysmans' beloved Trappist monastery of Notre-Dame d'Igny was destroyed during the war, rebuilt, and is now a Trappistine convent.

FATHER CONSTANT LIEVENS, S.J. By Lieutenant-Colonel Francis J. Bowen. B. Herder Book Co., St. Louis, Missouri. 1937. Pp. 176.

The biography of Father Constant Lievens, S.J., by Lieut. Colonel Francis J. Bowen, portrays a missionary's apostolate in India, particularly in the Chota Nagpur district in Western Bengal. Called by some "the greatest missionary since St. Francis Xavier," Father Lievens through all the vicissitudes of danger and hardship brought to a people, enslaved in spirit by a servile paganism and harassed in body by a venal civic rule, the freedom of Truth and the life of

faith. The biography is singularly interesting inasmuch as it shows that great work can be done spiritually for those whose temporal welfare a sympathetic priest advisedly champions.

Covering vast areas in his remarkable Christianization of the Indian, "Father Lievens was literally everywhere, giving the first start to the work and setting the fire aglow. He worked his companions almost to death: there seemed to be no limit to his all-consuming activity." Whereas on his arrival in Chota Nagpur in 1885 he found two native missionaries with a handful of Christians, within seven short years nearly eighty thousand converts were receiving regularly priestly ministrations from a resident priesthood. Though death came to him in the thirty-eighth year of his age, Father Lievens managed to consolidate the immense gains he had made for Christ. He began a work of building and education that remains today a fitting tribute to his zeal for the spread of the kingdom of Christ.

With a profound humility that characterized his every effort to win souls for heaven, Father Lievens describes his own life as remaining "quietly at home, instructing my people, giving them advice, distributing medicine, praying a little, and trying to repair my dilapidated walls. The days pass, each bringing its joys and troubles. We offer all to the sacred heart of Jesus and His holy Mother." Lieut. Colonel Bowen's biography is a real addition to mission literature.

LEO XIII AND OUR TIMES. By Rene Fulop-Miller. Translated by Conrad M. R. Bonacina. New York: Longmans, Green & Company. 1937. Pp. 202.

This volume portrays the life of Leo XIII only insofar as that life is a background for the ideas, often revolutionary, which Leo gave to the world, and with which he battled the secularism which permeated society upon his accession to the Papacy.

The opening chapter presents a concise yet adequate historical sketch of the conditions and events which were responsible for the state of society. The author paints well the scene as Leo entered. It was a world intoxicated with a mixed psychology derived from the teachings of Voltaire, Kant and the French Revolution, celebrating its secularistic liberalization, and attempting to quash anything spiritual which might bind or limit that liberalism. The Church, as a countering blast, had proclaimed the decrees of the Vatican Council. The world prepared to resist. Then there had come into the picture a new Pope, Leo XIII, with a new plan, a detailed programme of Christian ethics to combat at once industrial abuses and Marxian philosophy. This was the programme which made the Church a force and the central factor in the new industrialized world.

In the original, this book was entitled *Leo XIII und unsere Zeit: Macht der Kirche Gewalten der Welt.* In England it was published under the title *The Power and Secret of the Papacy.* The present title is more descriptive. The standing of Dr. Fulop-Miller is recognized by Catholic and non-Catholic scholars, and in this his latest book, he shows a clear understanding of Catholic as well as secular history. The translation by Dr. Bonacina is very well done.

The volume contains a fair bibliography, but the lack of references and footnotes is regrettable. It is an extremely readable book both because of its subject matter and the manner of presentation.

THE YEAR OF OUR LORD. The Mystery of Christ in the Liturgical Year. By Dame Emiliana Loehr. Foreword by Dom Anscar Vonier. New York: P. J. Kenedy & Sons. 1937. Pp. xxxii+ 393.

With the impetus given in recent years to the liturgical movement, books on the liturgy have become especially numerous. This volume, a translation in excellent form by an unnamed Benedictine monk from the German of a contemplative nun of the Abbey of Herstelle, will be a welcome addition. No one, religious or lay, can fail to find the text of his Sunday Masses immeasurably more significant by the eight or ten pages of thoughtful meditation assigned to each of the Masses. It would be difficult to find a more attractive immediate preparation for the Holy Sacrifice than the fifteen or twenty minutes which would be required to read this assignment.

In a general way the authoress accepts that somewhat controverted liturgical principle which holds that in each " mysterium " of public worship a past historical event becomes mystically present. In the ecclesiastical year, " circulus anni " as it was called by the ancients, Christ lives again, re-enacting His redemptive work. Thus in this volume do the words " the year of our Lord " take on their full meaning. Every text of every Mass, viewed dogmatically, morally, ascetically or in any other way, is here made to lead, by whatever the path chosen, to the one ultimate source of their meaning—the mystery of Christ.

No better antidote for the danger of falling into a mechanical reading of the liturgical text can be suggested than these simple thought-provoking pages. Dom Vonier's foreword upon the deeper significance of the liturgy, the manner in which it blends the past, present and future in the plans of God as its chief merit, is a worthy setting for a volume that deserves well of all.

EPISTULA PRIMA S. PETRI APOSTOLI. By Rev. Urban Holzmeister, S.J. Paris: P. Lethielleux. 1937. 8 Vol. Pp. xiv+422.

This is Volume 13, Section III of the *Cursus Scripturae Sacrae* which is being issued under the direction of the faculty of the Pontifical Biblical Institute, and the first part of *Commentarius in Epistulas SS. Petri et Iudae Apostolorum.* Dr. Holzmeister is professor of exegesis of the New Testament in the Institute.

The first part of the book is given over to a life of St. Peter. The author has taken advantage of the aids offered by modern historical research and archeology, and shows a nice discrimination between what is certain and what contains a germ of historical truth; what is doubtful and what is mythical. The second tract is a literary introduction to the First Epistle of St. Peter, studying the style, genuineness, comparison with other Petrine writings, place and time of writing, divisions, the end and occasion of the Epistle, and the other parts of an introduction.

These two " tracts " are followed by a commentary that is adequate and well documented. Dr. Holzmeister has collected all that the Fathers and the scholarship of later ages have written for a better understanding of the Epistle. Nor has he neglected to set forth what has been discovered by the adversaries of religion in their attempts to impugn the authenticity and doctrine of the Epistle.

The historical and bibliographical notes will be valuable for those who intend to make a special study of the Epistle. There is unfortunately no index, but a complete index is promised upon publication of the second part, which it is expected will appear in the near future. The commentary is well worth while, and should be in the library of every serious student of the Scriptures.

OU EN EST L'ENSEIGNEMENT RELIGIEUX? Livres et Méthodes de Divers Pays. Publication of Centre Documentaire Catéchétique, Louvain, Belgium. Paris, Editions Casterman. Pp. xvi+499.

This is a book that will be eagerly welcomed by Christian doctrine conferences throughout the world, and should inspire the publication of similar books in all the principal languages. It is primarily a bibliography, listing books and pamphlets which would be of assistance to directors of religious education groups, but it also gives a short outline of the programmes and methods used in various countries.

Naturally, more space is given to French works than to those of other nations. A comprehensive outline of German, English, Italian,

Spanish and Dutch methods and manuals is included. There is also a chapter on didactic material which is quite valuable.

While some of the headings are missing in the chapters referring to other countries, a list of chapters under *Langue Française* gives a general idea of the wide scope of the book. The programme, methodology and manuals for pre-catechetical and catechetical instruction follow a preface and introduction by Father Delcuve, head of the *Centre*. The second chapter deals with dogmatic and moral instruction. Plans, suggestions and criticisms are given as well as a splendid bibliography. An article on the religious instruction of adults is very timely. Next comes a chapter on Apologetics, followed by Sacred History and the History of the Church. Chapters on the Liturgy, Confession, Confirmation and Holy Communion complete the first section on doctrinal studies. The second section on the complete life of the Christian, considers religious pedagogy; two methods of education, the Apostolate of Prayer and the Eucharistic Crusade, and Catholic Scouting; the formation of the interior life; *Apprentissage de l'apostolat* (Catholic Action, Social studies, Missionary Action); and "Facing Life" (Vocation, Education to Purity, Preparation for Marriage). A short section of auxiliary works that may be used to advantage brings the *Langue Française* section to a close.

Until a similar manual is prepared for this country, American directors of Christian Doctrine classes will find this book very helpful.

Book Notes

Advocating the claims of philosophy to a hearing on the problem of lawlessness, Miriam T. Rooney has written a splendid little study entitled *Lawlessness, Law, and Sanction.* (Washington, The Catholic University of America.)

Dr. Rooney's method has been to read the work of the great common law historians, chiefly Maitland, Holdsworth and Woodbine, in the light of New Scholastic writings, which in turn have been paralleled by the revival of canon law studies. The author discusses the various theories of sanction, particularly those of Jeremy Bentham, Sir Henry Maine and Mr. Justice Holmes, and shows that the Scholastic doctrine contains sound principles which fulfill recognized needs of the modern legal order.

The book is essentially a doctorate dissertation, but it will be a welcome addition to the library of anyone interested in sociology. The author has arranged a splendid bibliography, but a peculiar arrangement will cause some to find it a bit puzzling.

The real value of religious vocation schools has been demonstrated, and the National Center of the Confraternity of Christian Doctrine has prepared two manuals for teachers of Catholic children who attend public schools. (Washington, The National Catholic Welfare Conference and Paterson, N. J., St. Anthony Guild Press).

The first of these pamphlets, the *Religious Vacation School Manual* gives a course of study for grades I through IV, while the second considers grades V through VIII. A programme for each day of the four weeks' course is out-

lined, and suggestions are given for a recreation and music program. An illustrative list of religious text books and visual aids is also included. The manual is by no means completely developed and on the title pages appears the invitation to individuals and communities to send "suggestions for the revision and completion" of the manuals.

Even where no vacation school is conducted, these pamphlets will be found helpful and suggestive for priests in charge of parish Sunday-schools.

A new translation from the original Greek and Hebrew texts, *The Old Testament Nahum and Habakkuk* by the late Dom Hugh Bevenot (New York, Longmans, Green & Co. Pp. xxxviii-40) is the latest addition to the Westminster Version of the Sacred Scriptures.

The introduction takes up the character and date of these two short prophecies, the homes of Nahum and Habakkuk, the historical background with Assyria's rise to power, the exercise of that power and the fall of Nineveh. A chapter on the Hebrew text and versions and a chronological table complete the introduction. The exegetical notes are adequate and scholarly. The booklet is on a par with the others of the series. No further recommendation is needed.

Seminarists and priests who would like a short review of New Testament textual criticism will want to examine *An Introduction to the Textual Criticism of the New Testament* (St. Louis, B. Herder Book Co. Pp. 208) by Leo Vaganay of the Theological Faculty of Lyons. The translation was made by Dr. B. V. Miller, who presents a very readable text.

The little volume is made up of an introduction, a short bibliography of modern books, and five chapters. These chapters take up the sources, the method of textual criticism, the history of the written text and of the printed text, and some examples for beginners. It is in every sense an introductory book. It is not for the advanced student.

The meditations in *Golden Hours Before the Blessed Sacrament* by Father Laurence, O.D.C. (Dublin, Mahon's Printing Works, Pp. 170) were made by the priest and congregation in St. Teresa's Church, Dublin. They are practical and they proved popular; so popular that this book is printed only because of a widespread demand by parishioners and friends.

There are twenty-one meditations centering around the Holy Eucharist as a Sacrifice and as a Sacrament. The style is plain and to the point, which probably accounted for their popularity. American priests will see in it much help and suggestion for their own meditation and for their Holy Hour talks. The mechanical makeup of the book, however, is very poor.

Another book of meditations on Holy Communion, *Come to Me* by Mother Mary Philip, I.B.V.M. (New York, P. J. Kenedy & Sons viii-171) will commend itself particularly to women both religious and lay. The meditations are short, and nearly all begin with the words of the title, "Come to Me." Practically the entire text is made up of Scriptural passages, and Mother Mary Philip has skilfully woven them into a harmonious series of meditations that are rich in spirituality and give a fuller understanding of those precepts bequeathed to us by our Great Friend and Protector.

Aedificatio Corporis Christi is the scriptural title of a text-book of pastoral theology recently written by Constantine Noppel, S.J. (Herder & Co., Freiburg in Breisgau, 1937; pp. xii + 210), containing the author's lectures to the students of the German College in Rome.

The text is divided into two parts, General and Special Pastoral Theology. In the General Pastoral Theology the author treats of parish personnel, buildings, and the means of establishing desirable relations between the pastor and his flock. In the special pastoral he discusses the administration of the Sacraments, the training in the spiritual life, and the handling of special cases.

The last chapter deals with converts. It was written, at the request of Fr. Noppel, by a convert. This chapter contains some interesting remarks about Protestants' views on the merely subjective importance of religion, but it is poorly written.

Fr. Noppel's work is especially adapted to the needs of Germany and the countries in the Danubian Basin.

Père J. M. Vosté, O.P., has recently completed a third volume of his series on the Biblical Theology of the New Testament (*De Passione et Morte Jesu Christi;* Libreria del Collegio Angelico, Rome, 1937; pp. viii + 398). The learned author hopes to complete the series with a book on the Resurrection and Ascension of Christ.

The subjects treated are: the *Praeambula* of the Passion (a synopsis of events occurring between the anointing of Bethania and the Agony in the Garden); the Agony; the Betrayal of Judas; the Judgment and Condemnation of Christ; and the Way of the Cross and Death of Christ. Avarice and frustration are the motives to which the betrayal of Judas is attributed.

Students will thank Vosté for his short, critical comments on the more important works in the bibliographies following each chapter; and will wish that more scholars were as considerate.

Teachers, preachers and students will make no mistake in buying this work, regarded by Scripture scholars as the most complete and up-to-date book on the subject.

Father Peter Lumbreras of the Order of Preachers has just published a treatise on Faith in the *Praelectiones Scholasticae in Secundam Partem D. Thomae* (De Fide-Rome, Pontif. Instit. Internat. "Angelicum". Pp. xii-199) which gives a clear and methodical treatment of the doctrine. The main headings are: *De Objecto Fidei; De Actu Fidei; De Habitu Fidei; De Donis Correspondentibus Fidei; De Vitiis Oppositis Actui Interno Fidei; De Blasphemia; De Vitiis Oppositis Donis,* and *De Praeceptis Fidei.* A topical and author's index complete a very satisfactory volume.

After fifty years in the religious life, thirty of which were devoted exclusively to the spiritual direction of novices and scholastics, Father Louis Peeters, S.J., has written his *Futurs Apôtres.* (Bruxelles, L'Edition Universelle, Pp. 294). It is not merely an ascetical tract or a book of meditations but a mustering from experience and tradition of all those things calculated to inspire the hearts of young men.

The author distinguishes three principle phases in the preparation of the witnesses of Christ: the first corresponding very closely to the novitiate, the second to the period of study and especially the study of philosophy, and the third the immediate preparation for the sacred ministry. Emphasis is laid upon the necessity of docility and reflexion for a deep and intimate life of union with Christ.

Father Peeters has not lost the point of view of the seminarian, and the book glows with a very live sympathy which cannot be mistaken, although at times some of the observations are more stern than flattering. Those who have the care of young people will find the book helpful.

Father Winfrid Herbst has given us a very practical book in *Readings and Reflections on the Gospels.* Frederick Pustet Co., New York, 1937. Pp. 203. The Gospel of each Sunday is taken and broken up into its component sentences. After each sentence there follows an explanation or a description, depending upon the nature of the thought contained in the sentence. These comments are short—the entire range of Sundays and principal Feasts is covered in few more than two hundred pages—but they are apposite and, in most instances, arresting.

The author primarily intended the work for the laity as a means of greater appreciation of the Gospels. He submits it also to the clergy as a source book of meditation. It should prove valuable besides to the priest striving to make his Sunday discourse more thought-inspiring. The application following each Gospel could well be used as a basis for a short talk on the Gospel of the day. The book is both a gift book for the serious layman and a reference book for the parish priest.

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